A

SHORT HISTORY

OF THE

EAST INDIA COMPANY:

EXHIBITING

A STATE OF THEIR AFFAIRS, ABROAD AND AT HOME, POLITICAL AND COMMERCIAL;

The NATURE and MAGNITUDE of their COMMERCE,

AND ITS RELATIVE CONNECTION

WITH

THE GOVERNMENT AND REVENUES OF INDIA;

AND A

Diſcuſſion on the Queſtion of Right to the Conquered Territories in India;

ALSO

Remarks on the Danger and Impolicy of Innovation,

AND THE

Practical Means of enſuring all the good Effects of a Free Trade to the Manufacturers of Great Britain and Ireland,

BY

MATTER OF REGULATION, WITHOUT DISTURBING THE ESTABLISHED SYSTEM.

THE SECOND EDITION, WITH SOME ADDITIONS.

TO WHICH IS ADDED,

AN ABRIDGMENT OF THE NEW ACT.

F. R.

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INTRODUCTION.

AMONGST the many ſuperior advantages derived to the community from a Government conſtituted like that of Great Britain, the means which it affords, through the Liberty of the Preſs, for a free diſcuſſion and communication of ſentiment on every national concern, and more particularly ſuch as in their nature muſt paſs the Ordeal of Parliament, is one of the firſt in utility and eminence. It is by communications of this nature alone, that practical knowledge and experience can be conveyed to the uninformed, and their benefits diſſeminated and ſecured to future generations. Hence the Senator is furniſhed with information the moſt to be relied on, becauſe the moſt expoſed to ſcrutiny and expoſition; and, by comparing and weighing in his cloſet all facts, arguments, and opinions thus ſubmitted to public view, with what he may collect from private quarters, he is enabled to form an impartial judgment, and to decide upon juſt principles and intrinſic merits; and thus topics otherwiſe abſtruſe and difficult become eaſy and familiar. Under the influence of this impreſſion, the Editor of theſe ſheets, whoſe particular ſituation and line of life has, he conceives, afforded him the means of ſetting in their true lights the Nature and State of our India and China Trade, in a way that may be uſeful, at a juncture when that very important and valuable branch of our Commerce is at the eve of undergoing the moſt ſerious inveſtigation, would have thought himſelf remiſs in his duty as a good citizen, had he remained ſilent.

As the main object of this Treatiſe is to furniſh uſeful information relating to the Aſiatic Trade, to ſuch, as either by their avocations, or the want of better means, have been prevented from obtaining it elſewhere, rather than with a deſire to enter the liſts with thoſe already converſant on the ſubject, and who may be diſpoſed to become diſputants with reſpect to the beſt means for conducting it, we have thought it right to give a connected, but very brief, account of the Origin and Progreſs of the Trade, and the Hiſtory of the Companies erected for carrying it on, previous to our entering into the conſideration of the ſtate of it, as at preſent circumſtanced.

The favorable Reception of this Tract by the Public, under the former Edition, has induced the Editor to permit this ſecond Edition to be printed. The Juſtice of the opinion he had ventured to obtrude in the 3d Chapter, relative to the Claim of the Company to the excluſive Property and Revenue of the five Northern Circars, having been in ſome degree queſtioned by reſpectable Characters, in high official Situations, he has added a Section on that Subject, to ſhew the Grounds on which that Opinion was formed. If it be a wrong one, he is open to Conviction, and will not heſitate to acknowledge his Error. The Facts he has ſtated may at leaſt lead to a further Elucidation of ſeveral particulars which, however important, are at preſent little known to the Community.

CHAPTER I.

The Origin of the Old and New East India Companies, with their Union.

THE paſſage by Sea to the Peninſula of India, and the Eaſtward part of the Continent of Aſia, the preſent ſeats of our Aſiatic trade, was not diſcovered till about the latter end of the 15th Century; and of the various attempts made from hence by individuals to open a Trade thither, none proved ſucceſsful, until * Queen Elizabeth eſtabliſhed the firſt Incorporated Company by the Name of *The London Eaſt India Company*. After a long ſeries of Diſaſters and Loſſes this Company obtained from *the Country Powers*, at a great expence, the Privilege of a limited Trade in certain parts of India and Perſia, and of making ſmall Settlements or Houſes of Trade called *Factories*, for the reſidence of their Factors and Servants. In thoſe early times the † Charters of the Crown, and the Powers which they conveyed, were not thought to require Parliamentary Sanction; nor was it until after the Reſtoration of Charles II. that the Rights or Authorities derived under them, though reſting on Prerogative alone, were firſt called in queſtion.

The Science of Navigation, and the true Principles of Foreign Trade, during the exiſtence of thoſe Charters, were but beginning to dawn upon us. At the time of their ceſſation, we could be ſaid to be only in a ſtate of Commercial Infancy. We are therefore not to be ſurprized at finding, that by the interruptions of ſpeculative Adventurers, called *Interlopers*, who had begun to reſiſt the excluſive Claims of the Old Company, derived by their Charters, on the ground of their wanting the Sanction of Parliamentary Authority, and by occaſional failures of inveſtments of goods from abroad, and the not unfrequent loſſes of ſhips in their paſſage, the Commerce of the Company was often chequered with diſaſters and diſappointments.

Notwithſtanding theſe viciſſitudes and diſcouragements, the Company, with many hard ſtruggles and heavy expences, formed by degrees various ‡ Factories and Houſes of Trade both in *India* and *Perſia*; and at length becoming more

* The Charter was dated the 31ſt December, 1600. Printed Acts and Charters, Part 2, Page 3.

† See Anderſon's Hiſtory of Commeree.

‡ *Forts:* Mazagom, Mahim, Syon, Syere, Warlee, Carwar, Angengo, Tellicherry, Calicutt, Fort St. George, Fort St. David, Vizagapatam, York Fort or Fort Malbro', Fort William, Bombay, and St. Helena.

Factories: Surat, Swally, Broach, Amadavad, Agra, Lucknow, Gombron, Shyraz, Iſpahaun, Chingu, Orixa, Cuddalore, Porto Novo, Pettipolee, Metchlepatam, Madapollam, Indrapour, Tryamong, Sillebar, Tonqueen, Bellaſore, Coſſimbuzar, Dacca, Houghley, Malda, Rajamaul, and Patna, with the Cuſtoms of Trade, and a Rent of 3333*l.* 6*s.* 8*d.* granted by the Sophy of Perſia.

 ſucceſsful,

succefsful, their profperity began to excite that fort of envy in Individuals, which is too apt to refult from the beneficial Commerce of Great Bodies. Various attempts were in confequence made to induce the Crown, and even Parliament itfelf, to interpofe and revoke the Charters of the Company; fome on pretext that every man had an equal Right to trade in the *Eaft* as well as the *Weft Indies*, whilft others hoped to effect it on propofals of Terms of Advantage in point of Publick Finance, that they might themfelves be erected into an exclufive Company, to the downfall of that which exifted.

Such was the ftate of things in 1693, when the Company, by an accidental Failure in the Payment of a paltry Duty which had been impofed on their capital Stock, gave an opening to Government to determine their Charters: For, by the * Act which impofed that duty, any default in payment, within the time therein limited, rendered their Charters *void:* And though, in the fame year, the Crown, to obviate all doubts, revived their Powers and exclufive Privileges by a new Charter, the Company were obliged to fubmit to a condition that their Capacity and Trading fhould in future be *determinable on Three Years Notice.* The legal obftacle to the erecting a new Company being thus removed, an † Act was paffed in 1698 for borrowing *Two Millions* on a Loan at 8 per Cent. towards carrying on the War; and as an encouragement to Subfcribers, it was declared, that they fhould be incorporated by a Charter from the King into *a General Society*, with liberty for each individual Member to trade to India and the other Limits of the Old Company's exclufive Charter; fo that the value of his Exports exceeded not his Share of this Loan or Capital; and that fuch of the Subfcribers as fhould choofe to convert their Subfcriptions *into a joint Stock*, fhould be at liberty to do fo, and be incorporated *by a feparate Charter* by the name of "*The Englifh Eaft India Company*," with the privilege of trading with and to the amount of fuch *joint Stock.* All perfons but thofe incorporated, and fuch as they fhould licenfe, were prohibited from this Trade, except the Old Company, who had time given them to wind up their Commercial Affairs. The Act referved a power to determine the Charters both of the General Society and the New Company after September 1711, *on Repayment of the Loan, and Three Years Notice.*

The bulk of the Subfcribers having agreed to trade as a feparate Company with a joint Stock, the Old Company, in whofe prejudice the two New Corporations were to be erected, found means to become Members *for a very large proportion* of the Loan of Two Millions. With an intereft thus acquired, they joined with the Englifh Company, and with the fuperior Knowledge of the Trade, which they had gained by experience over the other members, and poffeffed as they were of Shipping, Stores, and Stock at home, and of the Settlements and Factories neceffary to the Trade abroad, they obtained a decided influence in the general Courts of the New Company, and thus paved

* Act 4 and 5 Will. and Mary, ch. 15. f. 10 and 12.
† Act 9 and 10 Will. III. ch 44.

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the way to that Union which afterwards took place in 1702, and which, under the auſpices of *Lord Treaſurer Godolphin*, in 1708, was confirmed by Parliament. By the terms of this Union, the Warehouſes at home, and Shipping, and alſo *all the Settlements and Factories* of the Old Company in the *Eaſt Indies, Perſia, and China*, including *the Iſlands of Bombay and St. Helena*, with their Dependencies, and all their Rights and Privileges, however derived, became veſted in the United Company, except their *Body Politic*, which they ſurrendered to the Queen.

The curious Reader will wiſh to learn what became of the *general Society*, whoſe Members were individually authorized to trade, as far as the value of their Subſcriptions in Goods, exported from hence. All we can diſcover of them is, that though they were actually *incorporated* by the King's Charter, and were therefore legally authorized to ſend ſhips to India or China, it does not with certainty appear that any one ſhip was ever fitted out by them: and that the ſuperior advantages of being concerned in the Trade to be carried on *with a joint Stock* were ſo evident, that at the time of the Union of the Two Companies, out of the whole Loan of Two Millions*, only £. 7,000 then remained the property of *The ſeparate Traders of the General Society*, and that this ſum alſo was ſoon abſorbed in the United Company, whoſe capital or trading *Stock*, by which their Dividend of Profits was to be governed, thereupon became fixed at *Two Millions*.

Having thus briefly traced the general Hiſtory of the two Companies to their perfect Union, we ſhall refer our Readers to the † Collection of Statutes, Charters, and Bye-laws of the India Company, lately printed and publiſhed, for any further particulars they may deſire on that part of the ſubject, and cloſe this Chapter, with a ſhort recital of the Acts of Parliament, by which the United Company have been continued in the excluſive Trade to the preſent time, and of what were the conditions of the compacts made with the Public on thoſe occaſions.

The firſt enlargement of their term took place in 1708 ‡, when the United Company bargained with the Public to advance £. 1,200,000 as a loan, but without any intereſt, (or, which operated as the ſame thing, at a reduced intereſt of 5 per cent. on the two loans conjointly), for an extenſion of their term in the excluſive Trade of fifteen years, and thus *their nominal trading capital*, on which the dividend was made, became advanced to £. 3,200,000.

In 1712 ‖ the Company petitioned Parliament, on the ground that the term which remained unexpired in their trade was too ſhort to admit their riſking

* Act of 6 Anne, ch. 17. ſ. 7.

† By FRANCIS RUSSELL, Eſq. of the India Board, and printed by EYRE and STRAHAN, His Majeſty's Printers.

‡ Act 6 Anne, ch. 17.

‖ Commons Journals.

the further neceſſary expences of regaining and ſecuring the *Pepper Trade*, which had been engroſſed by the *Dutch*, that their corporate capacity might be continued, tho' the debt due to them from the Public ſhould be redeemed. In conſequence of this petition †, an act paſſed for repealing all former proviſoes and powers of determining their trade or incorporation, but with power for the Public to redeem the debt at any time after September 1733; and thus the United Company were ſuppoſed to have obtained *a perpetuity* as well in the *excluſive trade*, as in all their *chartered rights and capacities*. They however ſubmitted themſelves in that reſpect to the pleaſure of Parliament in 1730, when an act ‡ was paſſed for continuing to them their excluſive trade 'till 1766, for which they gave the Public a premium of £. 200,000 without any return of either principal or intereſt, and alſo agreed to a reduction of the rate of intereſt to £. 4 per cent. on the debt of £. 3,200,000, and to accept of payment of the principal by inſtalments of £. 500,000 at a time.

In 1744 || they contracted for, and obtained a further addition of fourteen years in the excluſive Trade, for which they lent to the Public *one million* at 3 per cent.; and in 1750 § they agreed to a further reduction of the rate of intereſt on the former debt to 3 per cent.

Thus grew the preſent debt of £. 4,200,000 from the Public to the United Company, carrying with it an annuity of £. 126,000. But the Company's capital or nominal ſum, by which their dividends were governed, continued as before at £. 3,200,000, *the million* laſt lent having been raiſed by their bonds, and therefore not added to their former capital.

The *laſt renewal* was made by contract with the Public in 1781 *, when a further Term determinable in 1794 was granted in the excluſive Trade, on payment of £.400,000 in diſcharge of all claims on the Company by the Public, previous to 1ſt March, 1781. But it was provided by Parliament, That after payment of a yearly dividend of £. 8 per cent. to the holders of India ſtock, the ſurplus of all the net proceeds of their trade and revenues ſhould be applied, *three fourths* to the uſe of the *Public*, and *the remaining fourth* to the uſe of the *Company*.

The debts incurred by the Company in the wars ſubſiſting in India at and after that period, have hitherto prevented any ſuch ſurplus from ariſing, and therefore no participation of revenue hath taken place under this act. On the contrary, the preſſure of thoſe debts, and the compulſory clauſes of an act of 1784, by which the Company are obliged to keep a ſtock of teas always in their warehouſes ſufficient for one year's conſumption, have rendered it neceſſary for them to enlarge their actual trading capital, by new ſubſcriptions, to *five millions*, for which they had the ſanction of Parliament granted them by two acts of the years 1786 and 1789.

† Act 10 Ann. ch. 28.
‡ 3 G. 2. ch. 14.
|| Act 17 G. 2. ch. 17.
§ Act 23 G. 2. ch. 22.
* Act 21 G. 3. ch. 65. ſ. 9.

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In order to determine the excluſive Trade, it is neceſſary that the Public ſhould firſt make proviſion for the debt of £. 4,200,000 which is ſtill due, partly to the Company and partly to the Annuitants. The nature of their reſpective intereſts in this debt we will endeavour to ſhew in the ſucceeding Chapter.

CHAPTER II.

The Origin of the 3 per Cent. Annuities transferrable at the India Houſe, and the Funds chargeable with the Payment of them.

WE have ſhewn in the preceding chapter, the origin and progreſs of the Debt of £. 4,200,000 incurred by the Public to the Eaſt India Company, and that in 1750 *the intereſt or annuity* payable on it was reduced to the rate of 3 per cent. or £. 126,000 per annum.

The ſecurities pledged by the Public for the payment of the annuities were theſe: Certain *Salt Duties* and *Stamp Duties* were, in the firſt inſtance, made chargeable for the intereſt of £. 160,000 on the two firſt loans of £. 3,200,000, and when in 1730, the intereſt was reduced to £. 128,000, it was made a ſpecific charge *on the Aggregate Fund.*

The £. 30,000 per annum for the intereſt of the *One Million Loan* was charged on certain *Duties upon Spirits,* and upon the *Sinking Fund.*

The terms upon which the Company agreed, in 1750, to reduce the rate of their annuity to 3 per cent. were (as is ſpecified in the act for that purpoſe) that they ſhould be permitted to raiſe £. 4,200,000 *by ſale of annuities* at the ſame rate of intereſt which the Public were to pay to the Company; and it was declared that the annuities ſo ſold ſhould be paid half-yearly at the *India Houſe* (where the *transfer books* were to be kept and managed) *out of the ſame duties and revenues* as ſtood chargeable with the payment of the intereſt of the debt due by the Public to the Company, ſubject nevertheleſs to the like proviſo of *redemption* by the *Public* as the ſaid loans were ſubject or liable to.

Under this power the Company ſold* annuities to the amount of £. 2,992,440 : 5 *s.* carrying an intereſt or dividend of 3 per cent. per ann. amounting to £. 89,773 : 4 *s.* which ſums conſtitute what are called *Eaſt India Annuities,* the half-yearly payments of which are regularly made at the India Houſe, out of the annuity of £. 126,000 received by the Company at *the Exchequer,* the remainder being ſtill the property of the Company.

Some doubt having been entertained whether the Company's power to ſell *the remainder* of theſe annuities continued in force under the act of 1750, they were

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* Act 26 G. 3. ch. 62.

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again impowered to ſell it by an act of the year 1786, in which it was provided, that the purchaſers thereof ſhould hold their annuities upon the like terms as the former purchaſers; and that what ſhould be ſo ſold ſhould be conſolidated with the annuities formerly ſold, and that the debt of £. 4,200,000, due by the Public to the Company, ſhould be a collateral ſecurity to the holders thereof, but ſubject to redemption.

The Company however have not availed themſelves of their power to alienate the remaining part of this annuity, amounting to £. 1,207,559 : 15 *s.* producing £. 36,226 : 16 *s.* per ann. but ſtill retain it in property; and over and beſides that income, they alſo receive from the *Exchequer*, by virtue of an act * of 1751, £. 1687 per ann. for the *receiving*, *paying*, and *managing*, the amount formerly ſold to the annuitants, being in proportion to the allowances made to the *Bank* for the management of Bank Annuities.

The India annuities are therefore part of the *National Debt*, charged upon *public revenues alone*, and *redeemable* only by the *Public*; and being ſo, proviſion is made by the act of 1786 "*for reduction of the national debt*," that when and as the annuities ſhall be purchaſed or paid off by the *Commiſſioners*, the Directors of the *Eaſt India Company* ſhall permit *Transfers* thereof to be made in their books into the names of the *Commiſſioners*, ſimilar to what is done at the *Bank* and *South Sea Houſe*, and the Bank are impowered to receive the *annual dividends* thereof for the uſe of the Public.

By the Conſolidation Act † of 1787 the Annuity of £. 126,000 per ann. payable by the Public to the Company, (and out of which they pay the Annuitants) is charged upon the Conſolidated Fund.

The *India Annuity* has been for ſeveral years at a price *inferior* to the annuities of an equal rate transferable at the *Bank*. This difference has been probably occaſioned by the diſtance of the place of its transfer from the *Stock Exchange*, and its *ſmall annual amount*, preventing that frequency of its being brought to market, which is neceſſary to a quick demand, and where the magnitude of *other redeemable annuities* renders *this* of but little conſideration. The conſequence has been, that not a *ſingle purchaſe* has been made of the *India Annuity* by the *Commiſſioners* for the reduction of the *National Debt*, though, when brought in ſmall ſums (as it uſually is) to market, it has been generally ſold at the rate of from 3 to 4 per cent. *leſs* than the *Bank reduced Annuities*, and perhaps the general knowledge that the *Commiſſioners* have made no purchaſe in it, may have operated as an additional cauſe in depreſſing its price.

It would be better if this annuity were conſolidated with the Bank Annuities. The allowance of £. 1687 per ann. might be ſaved to the Public; the value of the annuity would be improved in the hands of the Proprietors, and the

* Act 24 G. 2. ch. 56.

† 27 G. 3. ch. 13. ſ. 54.

Public

Public in no refpect injured, while the Company, if they choofe to part with their fhare of it, would find it more marketable, and obtain a higher price.

CHAPTER III.

Of the Forts, Factories, and Territories in India, diftinguifhing thofe which are the Property of the Company by Purchafe, *from thofe acquired* by Conqueft.

PREVIOUS to fuggefting any regulations for the future Trade from Great Britain to the Eaft Indies, it appears neceffary, on account of the relative connection that fubfifts between the Revenues of our Afiatic Poffeffions and the * *Inveftments* of India Goods for China, as well as for Europe, to afcertain what *Fortreffes, Ports,* or *other Places* of Importance *to the Trade of India* do of right belong to the Company *in perpetuity,* free from the claims of the Public, to examine what thofe poffeffions are, and to diftinguifh fuch as were acquired by actual Conqueft or influence of arms, and to which *the Nation have made their claim,* from fuch as were *the Property of the Company* before the making of any conquefts, *by purchafe* from the Native Powers.

The refult of this inveftigation is, that *Fort St. George, Madras,* and *Vizagapatam,* and every other valuable fea port poffeffed at this time by the Company on the *Coaft of Coromandel,* and vifited by their fhips from hence, together with their Settlements of *Fort William* and *Calcutta* on the Ganges, *Fort Marlbro'* or *York-Fort* at *Bencoolen,* and the *Iflands of Bombay and St. Helena,* were purchafed by the *Old Eaft India Company* †, and conveyed by them to the prefent Company, in full right *for ever.* In this defcription Mafulipatam alone is meant to be excepted.

At thefe *Ports,* and above all at *Calcutta, Madras* and *Bombay,* the Company are equally intitled to *Port Duties* and *Cuftoms* on *Imports* and *Exports,* as they are to the places themfelves, and have been in the conftant exercife and enjoyment thereof at all times. The *Towns of Madras and Calcutta* as well as the *two Forts,* are built chiefly, if not entirely, upon the lands of the Company, under annual *Ground Rents.* By Grants obtained from the Native Powers, they are alfo

* Though the provifion of Inveftments is generally aided by the Revenue, in the firft inftance, it has frequently happened in time of war, that Bills of Exchange, to a greater amount than the prime coft of the goods, have been drawn upon the Company to reimburfe the Treafuries abroad, for the money advanced from the revenues.

† Fort St. George was made a Settlement by the Old Company in 1620; St. Helena in 1651; Calcutta and Fort William in 1689; and Bombay in 1668.

poffeffed

poffeffed of, and intitled in perpetuity to * *the Five Northern Circars*, the *Purgunnahs* and *Jaghire Lands*, and fundry valuable Factories and Houfes of Trade on different parts of the Continent of *Afia*, and in the *Afiatic Iflands*. To thefe therefore the *Public* have no Claim whatever.

But with regard to the *Provinces* (or Kingdoms as they are called) of *Bengal*, *Bahar*, and *Oriffa*, the Country of *Benares*, and the Country newly acquired from *Tippoo Sultaun*, the right of property to them ftands on a very different ground, and were it not for thofe *equitable* Claims which the Company and their *Creditors* feem to have, to be firft *repaid* or *indemnified* for the expences and debts unavoidably incurred in the Conqueft of thofe countries, and in their fubfequent defence and protection, little doubt could be entertained in refpect to them; for the right, fubject to thofe claims, is indifputably in the *Public*; nor have we been able to difcover from what fource the doubt, which has been by fome perfons entertained regarding it, has arifen. As far as our refearches have gone, neither the Court of Proprietors nor the Court of Directors, nor any of their Committees, ever laid claim to the property of thefe *conquered Territories*, either by any formal *Refolutions*, or by any of their *Petitions* to Parliament, although the *appropriation* of the revenues of thofe territories, underwent full and ferious difcuffions both there, and at the *General Courts* on many occafions, and particularly in 1766, 1767, 1769, 1773, 1779, 1780, 1781, and 1784; and the Company having for a feries of time agreed to become *participants* of the territorial revenues with the *Public*, and having alfo paid annually to the *Exchequer* ‡, for the ufe of the Public, their ftipulated fhare of £. 400,000 per ann. until prevented by the preffure of new debts incurred by the expences of fupporting wars in *India*, it would be fuperfluous to create a doubt on the right of the Public at this day.

We are aware, that in the temporary Act of 1779, as well as in the Acts of 1780 and 1781, a claufe was inferted declaring that the appropriation of this revenue made by thefe Acts fhould not *prejudice the Rights either of the Public or the Company*: but, if we miftake not, there was no fuch *faving claufe* offered, much lefs inferted, in either of the former Acts of Appropriation.

Left, however, any perfon fhould, for want of being better informed, hefitate to pronounce the right to thefe extenfive and valuable territories to be in the *Public*, (fubject, however, to the equitable and juft claims *for indemnity*

* The Circars being held merely as a Farm under Nizam Ally, at a yearly rent of feven lacs of rupees, or about £. 70,000 per ann. Sterling, with an exception of the Diamond Mines, and under other fpecial conditions, we apprehend, but with fubmiffion to better judges, that the Circars ftand on a fimilar footing with the Jaghire Lands. See Chapter XV for the Hiftory of fome of thefe acquifitions, and particularly Mafulipatam and the Northern Circars.

‡ Thefe payments, between 1766 and 1782, amounted to upwards of Two Millions Sterling.

both of the *Company* and their *Creditors)*, we ſhall briefly ſtate what we conceive ſufficient to obviate every doubt.

It will be remembred, that our conqueſts in *India* immediately followed that memorable and ever to be lamented act of barbarity, committed on the Company's ſervants in the *Black Hole of Calcutta*, by the then Nabob of Bengal. This happened in 1756, and the Company, after having directed their ſervants abroad to take the moſt ſpeedy and vigorous meaſures for recompenſing themſelves, preferred their * Petition to the King, ſtating the doubt " whether the " *lands, plunder*, and *booty* which might be conquered or taken by their forces " upon any occaſion, *would not belong to His Majeſty*; and praying that in con" ſideration of their expences and loſſes, the King would grant them the *plunder* " *and booty*, and that the Company might be permitted to hold and enjoy to " them and their ſucceſſors, ſubject to His Majeſty's right of Sovereignty " therein, all ſuch *Fortreſſes, Diſtricts, and Territories*, as they had already ac" quired, or might acquire from any *Nation, State, or People, by treaty, grant,* " *or conqueſt*, with power to reſtore, give up, and diſpoſe of the ſame, as they " might ſee occaſion, ſubject to His Majeſty's diſpoſition as to lands acquired " by conqueſt from the ſubjects of any *European* Power."

The Petition being referred to the conſideration of the Attorney and Solicitor General, (the preſent *Lord Camden*, and the late Chancellor *Mr. Charles Yorke)*, they made their report dated the 24th December, 1757, of which the following is a literal extract:

" In reſpect to ſuch places as have been, or ſhall be acquired by Treaty or " Grant from the Mogul, or any of the Indian Princes, or Governments, Your " Majeſty's Letters Patent are not neceſſary; the property of the ſoil veſting " in the Company by the Indian Grants, ſubject only to Your Majeſty's right " of Sovereignty over the Settlements, as Engliſh Settlements, and over the " Inhabitants, as Engliſh Subjects, who carry with them Your Majeſty's Laws " wherever they form Colonies, and receive Your Majeſty's protection, by " virtue of Your Royal Charters. In reſpect to ſuch places as have lately been " acquired or ſhall hereafter be acquired by conqueſt, the property, as well " as the dominion, veſts in Your Majeſty, by virtue of Your known Prero" gative; and conſequently the Company can only derive a right to them, " through Your Majeſty's Grant. But we ſubmit our humble opinion to Your " Majeſty, that it is not warranted by precedent, nor agreeable to ſound po" licy, nor to the tenor of the Charters, which have been laid before us, to " make ſuch a general grant, not only of part, but of future contingent con" queſts, made upon any Power, European or Indian, to a Trading Company. " Many objections occur to it, more material to be weighed than explained. " If at any time the Eaſt India Company, in the proſecution of their juſt rights, " ſhall chance to conquer a Fortreſs or Diſtrict, which may be convenient for

* Vide Appendix to 1ſt vol. Bolt's Hiſtory, for this Petition and Report.

" carrying on their trade, and is afterwards either ceded to them by treaty, " or proper to be maintained by force, it is time enough to resort to Your " Majesty for Your Royal Grant, whenever the case arises. At the same time " we must do justice to the honourable intentions of those who preferred this " Petition to Your Majesty, in saying, That as soon as the objections were " intimated, they readily acquiesced, and expressed themselves much more " anxious for the sake of obtaining a clear rule for the direction of their officers " in India, to have their doubts explained, as to their powers of restoring or " surrendering places conquered; and to know whether the Company is ena- " bled, by any of their present Charters, to yield up conquests made on the " Indian Princes or Governments by treaty, without Your Majesty's Licence " in every instance; the procuring of which might be attended with great " delay in pressing exigencies. In answer to this doubt so stated, we are " humbly of opinion, that the Royal Charters, granted to the Company, " having repeatedly given them the Powers of making Peace, as well as War, " with the Indian Princes or Governments, it is incident to the Power of " making Peace to be enabled to restore conquests, or things taken in war, " otherwise they would have the Power to make Peace, without the means " of obtaining it. But to remove all possible doubts, we think it will not be " improper (if it shall be Your Majesty's pleasure) to explain their Powers " of making Peace, by a clause to be inserted in the Letters Patent proposed, " enabling them to make cessions of new Conquests, acquired from any of " the Indian Princes or States, during the late troubles between the East India " Company and the Nabob of Bengal, or which shall be acquired in time " coming; with an express exception, agreeably to the Prayer of their Pe- " tition, of any Settlements or Territories conquered from the Subjects of " any European Power, leaving the same open to be disposed of in all cases, " according to your Royal Wisdom."

Upon this Report, the King granted all *plunder and booty* to the Company, under certain restrictions; and also licensed " the Company and their Servants, " by any Treaty of Peace with any *Indian Princes or Governors*, to cede, restore, " or dispose of any *Fortresses* or *Territories* acquired, or thereafter to be acquired " *by conquest*, except Settlements conquered from any *European Power*, which " they were not to dispose of without His Majesty's Permission *." Which Licence, thus restricted, was accepted by the Company. To add to all this, the House of Commons in 1773 (which was Nine Years after the Company's possession had been established by a Grant from the Mogul in the Dewanneeship of Bengal) came to a decisive Resolution, " *That all acquisitions made under the* " *influence of a Military Force, or by Treaty with Foreign Princes, do of right belong* " *to the State.*"

* Coll. of Statutes and Charters, 2d Part, p. xliv.

CHAP-

CHAPTER IV.

Expences incurred by the Company in the Indian Conquests.

HAVING mentioned the Expences of the Company incurred in the conquest and subsequent defence of the territories in India, it will be expected that a fuller explanation should be given on that head.

It has been asserted, with more Confidence, perhaps, than truth, that the *Territorial Revenues* have been so blended in India with the *Commercial Funds* of the Company, as to render every attempt to discover the amount of the expences sustained in the acquisition and protection of those Territories, beyond the net revenues they have yielded, fruitless and nugatory: And that no injustice will be done by setting the Receipts against the Payments, and thus closing the account for ever.

Were the Revenues to be continued under the collection of the Company until their debts abroad and at home were discharged, and the value of their commercial assets become sufficient to cover their Capital Stock, there probably would be no difficulty in acceding to the final adjustment of the Account in the manner proposed. But burthened as the Company are with debts, and after having so recently advanced large sums by new subscriptions to their Capital Stock, it behoves them, in Justice to their Creditors and to themselves, as well as for the support of their honour and character, to shew that the *Revenues of India* have *fallen short* of reimbursing *the excess of their disbursements* in respect of the territories, by the full amount of the debts owing abroad and at home, the current debts incident to their commerce excepted. And though it may be true, that the Land Revenues and the Commercial Funds have been in some respect mixed together, so as to render it a fruitless attempt to separate them at this day, yet as the Company are well known to have received no other remittances from abroad, than by the medium of their investments, we may venture to assert, that if an account were taken at home, after the following method, the out turn of it would be sufficiently correct for every useful purpose, and afford all the satisfaction the nature of the case seems to require.

1st. Let an account be taken of the *prime cost, outfit, freight, and charges of merchandize, of all bullion, goods, and stores exported by the Company to India*, for any given time; and add thereto the *profits* derived by their *sales there* (those being considered as the exclusive right of the Company). To this, add also the expences of the commercial establishments, and other charges of merchandize in India, and the *amount of bills of exchange*, and the expences of *forces and recruits* paid by the Company *in London*, and the money paid into the *Exchequer* for the use

ufe of the Public.—The *aggregate* of thefe will fhew what India may be *debited* to the Company.

2nd. In contraft with that *debit* fhould be placed the amount, at their *prime coft in India,* of all *inveftments* fhipped there both for Europe and China, and all remittances from India to China within the fame period.

If the aggregate of the Payments at home have exceeded the receipts by remittances from India to China, and by the inveftments *from* India to China and Europe at their prime coft, then will the Company have a right to place the difference *as a debt* againft the *territories in India*; but if their receipts by thofe remittances and inveftments fhall be found to exceed *their payments at home*, then will the Company be indebted to that amount to the *territorial revenues*.

There will however remain another fmall account to be adjufted, to bring the intended ftatement to a nearer degree of accuracy. We have already obferved, that the Company had *forts and factories in India* before the *conqueft* of *Bengal*; and doubtlefs thefe were attended with fome, but it is prefumed not much, expence to the Company, beyond what were properly included under the head of their *mercantile eftablifhments*. We have alfo fhewn that the Company had *Land-rents, port-duties,* and *cuftoms*. Neither of thefe articles are included in them anner above recommended for taking the foregoing account. But as the Company's receipts by *rents, duties,* and *cuftoms* in *India* were very confiderable, even at an early period, as wlll appear by the Reports of the *Select Committee* of the Houfe of Commons of the year 1773, and as the extra expences of the *forts* are fuppofed to have been but trivial, antecedent to the war of 1756, there feems reafon to expect, that this part of the computation might ultimately terminate in the Company's favor.

It is well known, that in 1780, an account on the foregoing *datum,* or fomething very near it, was taken with very great precifion by a worthy and intelligent member of the Company, then and ftill a Director. It was printed and diftributed under the title of "*Remarks on the Eaft India Company's Balances in England from their Trade and their revenues,*" and the refult of it was, that the Company had actually paid on the account of the Territories, more than had been returned from thofe Territories, by the fum of £.3,622,969, exclufive of intereft; and if that account, accurately continued to the prefent time, were laid before the Public, it would fhew that the balance above ftated, has been confiderably increafed, befides the debts ftill due for the expences of the two laft wars. The arguments and obfervations annexed to the account here referred to, are highly worthy the ftudy and attention of every one who wifhes to be informed of the particulars of this part of the Company's concerns.

CHAP.

CHAPTER V.

The Rights permanent or temporary of the India Company.

TO undeceive fuch as have fallen into the prevailing error, that the Company's *chartered Rights*, their *Corporate Capacity*, and their *Liberty* of trading with a *joint Stock*, are one and all determinable in 1794 (unlefs their Charter be previoufly renewed), as well as to evince how far the exifting Rights of the Company, over the principal Seats of Trade, and other Settlements abroad, may ftand in the way of laying the trade open to individuals with a profpect of fuccefs, it becomes neceffary to bring into a collected point of view, what thofe *Rights* are, and to diftinguifh fuch as are only of a *temporary* nature and require renewal, if proper to be renewed, from fuch as are lawfully vefted in them *in perpetuity*.

Their *temporary* Rights confift, *Firft*, of the fole and exclufive Trade with *India and * other Ports* within the *Limits* defcribed in their Charter, fo that none other of the King's fubjects can go thither or trade there, except it be *by Leave* of the Company.

And *Secondly*, they have the Adminiftration of the *Government* and *Revenues* of the *Territories in India* acquired by their Conquefts during their Term in the Exclufive Trade, fubject neverthelefs to the various Cheques and Reftrictions contained in the feveral Acts of Parliament which veft that Adminiftration in them. Thefe feveral *temporary* Rights are determinable by Parliament in 1794, under the Notice given *by Order of the Houfe of Commons*, in the Year 1791.

The Rights which they poffefs *in Perpetuity* are,

To be a *Body † Corporate and Politic*, with *perpetual Succeffion*.

To purchafe ‡, acquire, and difpofe at will of lands and tenements in *Great Britain*.

* "In, to, and from the Eaft Indies, in the Countries and Parts of Afia and Africa, and in, "to, and from the Iflands, Ports, Havens, Cities, Creeks, Towns, and Places of Afia, Africa, "and America, or any of them, beyond the Cape of Good Hope to the Straights of Magellan, "where any trade or traffick of merchandize is or may be ufed or had, and to and from every of "them."

† By the Statutes 3 Geo. II. ch. 14.—17 Geo. II. ch. 17.—and 21 Geo. III. ch. 65.

‡ In their Charter of 10 William III. the value in Great Britain was not reftricted, but by Act of 3 Geo. II. the value therein is not to exceed £. 10,000 per annum.

To

To make * Settlements *to any Extent* within the Limits of their Exclusive Trade, build *Forts* and *Fortifications*, appoint *Governors*, erect *Courts of Judicature*, coin *Money*, raise, train, and muster *Forces* † at Sea and Land, repel wrongs and injuries, make reprizals on the invaders or disturbers of their peace, and continue to trade within the same limits, *with a joint Stock for ever*, although their Exclusive Right of trading shall be ‡ *determined* by Parliament.

Possessed, therefore, as the Company is, of *all the sea ports and places of Trade* in the East Indies in *perpetuity* acquired by *grants* from their former owners, *the Native States of India*, and held by the *best of titles*, namely, upon Rights and Powers granted upon formal *compacts* for *full and valuable considerations* paid to the *Public*, and ratified and established by sundry *acts of Parliament*, it seems evident, that although the *exclusive Trade* of the Company were to be determined, yet that no private merchant of this or any other country could justify *entering* any of those *ports or places* for the purpose of *Traffick*, but by the Company's permission, unless the Ports and Factories, as well as the Trade, were to be thrown open. This would, however, be an innovation on private rights and private property, of which the records of Parliament afford no instance, except in cases merely *municipal*, and where their extreme urgency for effecting some great and approved design manifestly tending to secure or promote the general interests of the empire, have impelled the Legislature to the exercise of *so extraordinary* a stretch of their authority. On such occasions, however urgent or important they may have been, the greatest circumspection has been always used, and care taken, as far as the nature of the case would admit, to affect the private property of the individual, be his condition what it might, as little as possible; and in no case have the applications for such like purposes proved successful, where every party was not consenting, but on the fullest proof and conviction, that the interests of the country required the sacrifice, nor without strict provision being made for giving *ample compensation* to the owners of the property to be affected, and which it has been the practice to apportion, not merely to its intrinsic worth, but according to that degree of profit which, under all existing circumstances, its exclusive possession afforded, or might in reason *be in prospect to afford*, to its former proprietors. This salutary principle is so consistent with justice, and the common rights of mankind, and is become so rooted and interwoven by practice into our Constitution, that we may with confidence affirm, it will never be shaken nor departed from by the *Parliament* of Great Britain. On the other hand, circumstanced as the case is with respect to the importance of the Company's *exclusive Right* to the *Ports and Places of Trade in India*, whereby to secure the peculiar advantages they will afford to the Company *trading with a joint stock*, after the trade of individuals shall be brought in competition and rivalship with them; and when it is considered how vast is the number of persons, *Members*

* By the Charter of King William.
† By Acts of Parliament, 27 Geo. II. ch. 9.—1 Geo. III. ch. 14.—and 21 Geo. III. ch. 65.
‡ By the Three Statutes mentioned in Note (†) in the preceding page.

or

or *Creditors* of the India Company, whofe property is embarked in, or collaterally dependant upon the future fuccefs of their Commerce; and that many other defcriptions of perfons are alfo individually interefted in whatever relates to the feats of Trade eftablifhed with fo much expence, and fo neceffary for conducting it in future, it appears no eafy matter to devife any practicable means by which a proper compenfation for the privileges to be wrefted from the Company, in oppofition to their wifhes, and fo apparently to their injury, can be adjufted or computed; or in what manner, if the *quantum* were fixed, it can be properly paid or raifed.

CHAPTER VI.

How far the Appellation of a Chartered Monopoly is applicable to the Eaft India Trade.

THE appellation of *a chartered Monopoly*, given on various occafions to the Eaft India Company's exclufive Trade, can be meant only to excite popular odium, and bring it into general difrepute. We have, in a former chapter, fhewn the origin of the two Eaft India Companies, and that the former held their exclufive trade by the voluntary grant of the Crown, founded folely on its prerogative, while the latter, or prefent Company, derive their rights by actual purchafes from the Public, upon folemn compacts authorized and confirmed by acts of Parliament. True it is, that King William granted a Charter of Incorporation to the prefent Company: but it was a Charter conceived in the very terms of the agreement previoufly made with, and ratified by Parliament, and can therefore be confidered in no other light, than *as an inftrument of inveftiture*, iffued under the Great Seal of Great Britain, in compliance with the letter of the act, in order to perpetuate the agreement, by inrollment (as all *Charters* are, though *Acts of Parliament* are not) upon the public archives of the kingdom, kept in the High Court of Chancery, whereby to eftablifh, more firmly, if it were poffible, the tenor of the bargain, the origin of the incorporation, the extent of the rights and privileges meant to be conveyed, and the reftrictions with which they were accompanied. In thefe important refpects, did this Charter differ from all others, that it was not only the firft ever granted by fimilar authority, but was free from every legal queftion which had attached on others, *becaufe it fprung from an act of the Britifh Parliament, and was made in all things to correfpond with it.* How far the learned * gentleman, who, in 1783, made fo light of Charters, and of this Charter in particular, by defcribing it as of no other value or virtue, than fo much "parchment with a bit of wax dangling at its tail," had informed himfelf of thefe particulars, or whether he really confidered (as from the very high opinion we entertain of his virtue and

* In a debate in the Houfe of Commons on the famous India Bill of Mr. Fox.

integrity,

integrity, we hope, and believe he did), that the Charter from King William had been a mere gratuitous bufinefs, flowing, like many others, from royal bounty, and dependent on the authority of prerogative alone, we fhall not pretend to determine; but we may boldly affirm, that the Eaft India Company derive no rights, whatever, under their Charter, other than what they fairly purchafed, nor any but fuch as are fanctioned to them in the moft clear and diftinct manner by the act of Parliament under which the Charter was made, and thofe fubfequent acts by which the exclufive Trade has been continued to them, upon new bargains with the Public, to this day. And when it is recollected, that the continuance of their exclufive Trade is *not dependent on any Charter* (for they have had none for their trade fince 1698), but on † Acts of Parliament only, we cannot but be forcibly ftruck with the impropriety of this appellation "The Chartered Trade," as generally applied to the exifting exclufive Trade of the Company.

A monopoly, according to its literal, as well as enlarged fenfe, undoubtedly means the ingroffing and getting into the power of any individual, or of two or more perfons combined for the purpofe, any particular commodity, whereby to command the time and manner of its fale, and to with-hold it from the market, or deal it out at pleafure, at an arbitrary or extravagant price.

Though the fpirit of our laws, at all ‡ periods, declared that trade fhould be free, and forbad all monopolies; yet fuch was the influence of prerogative, and the fubmiffion of the people to it in early times, that it was not until the 21ft James I. that all grants of monopolies by the Crown, were declared null and void by ftatute. And in that act is contained * a provifion that it fhould not extend "to Companies or Societies of Merchants erected for the maintenance, "encouragement, or ordering of any trade of merchandize."

What, therefore, conftitutes the fpirit and effence of a monopoly is, the having the fole command and power over fome neceffary article or commodity, in the mode of its fale and difpofal, by which to enhance the value, and impofe on the confumers an arbitrary price. Surely no one will gravely pronounce this fort of monopoly to apply to the Trade of the India Company, either in theory or practice: for fo far were the Company from purchafing from the Public, and the Public from granting or legalizing any thing approaching to a monopoly of this kind, that it has, in the moft pofitive terms, enjoined that the fales of goods by the Company fhould be made openly and publicly by Inch of Candle, or by way of Auction, within twelve months after the importation thereof §. The practice at the Company's fales has ever been ftrictly confonant to the law; and fo far from the Company, or any of the individual members of it, having

† 3 G. 2. ch. 14. f. 10. 17 G. 2. ch. 17. f. 12. 21 G. 3. ch. 65. f. 4.

‡ See Statutes, 9 H. 3. ch. 30. 25 E. 3. ch. 2. 2 R. 2. ch. 1. 11 R. 2. ch. 21.

* 21 J. 1. ch. 3. f 4.

§ The Charter limits the lots to £.1,000 in value; they rarely exceed £.300; and abundance of lots are made very fmall to accomodate Individuals. A further latitude in refpect to the time of fale, after importation, was given by an Act of 7 Geo. 1. ft. 1. ch. 21. f. 10 and 11.

been monopolizers of India goods to their own aggrandizement, it will be found upon a ſtrict ſcrutiny of the profit divided amongſt them for *fourſcore years paſt*, that their *dividends*, taken for the average of any reaſonable period, have been ſometimes *leſs* than, and *ſeldom exceeded the legal current rate of intereſt of money*, computed by the value or market price of their Stock; a fact, which alone affords an unequivocal proof, that what might otherwiſe have conſtituted a mercantile profit on the India Trade (beyond the common intereſt of the capital employed) in the hands of individuals, has been ſunk in the reduced prices of Aſiatic merchandize, and become a ſaving to the conſumer; and thus have the Public reaped the real profits of the India commerce, whilſt all the riſque has been ſuſtained by the Company.

There is alſo ſome advantage derived from the peculiar nature of the *conſtitution* of the Eaſt India Company, beyond what would reſult were the Trade in the hands of private merchants. The books are at all times open "for the "admiſſion of every deſcription of perſons who may deſire to become mem-"bers, and have money to adventure." It knows no diſtinction of profeſſions, religions, or even ſexes, and in the General Courts there is the moſt perfect equality: every one preſent has the ſame right with another to ſpeak his ſentiments, and give his advice. A difference is made only in voting, which, when taken by the holding up of hands, requires £. 500 ſtock, and when by ballot £. 1,000 ſtock, for a ſingle vote; £. 3,000 for two votes; £. 6,000 for three votes; and £. 10,000 for four votes; which is the largeſt number of votes any member is allowed to poſſeſs; whilſt £. 2,000 ſtock qualifies any member to become a candidate for the office of a Director, or Chairman. Hence any perſon without being bred to commerce, who has Money, and chuſes to adventure it in this Trade, has the power of doing ſo.

It is admitted, that the Old Eaſt India Company might properly be termed *Monopoliſts*: for they were under no *parliamentary* reſtrictions, and in the year 1684, their trade was declared, upon a trial with Mr. Sands, an interloper, to partake of an unlawful monopoly. But it is material to obſerve, how widely different the ſtate of that Company was from the preſent. They held their excluſive Trade ſolely by a *gratuitous Charter* from the Crown. The preſent Company hold it by *purchaſe* from the *Public*. The Trade of the Old Company was managed by a ſmall Committee, and the major part of the profits were divided amongſt ‡ about forty perſons. The Trade is now managed by twenty-four Directors, and the number of regiſtered Proprietors, partaking of the trading capital, is upwards of *two thouſand ſeven hundred*, and the private, or privileged Traders, make at leaſt *three thouſand more*, beſides thoſe who trade illicitly or clandeſtinely, and whoſe number is very conſiderable, but whoſe conduct is not often ſcrutinized, becauſe it might diſcourage the Trade in Exports, of which illicit adventures chiefly conſiſt: ſo that we may fairly compute on *ſix thouſand perſons* who partake of the direct benefit of the export, and of *the firſt*

‡ Anderſon's Hiſtory of Commerce, 2d Vol. p. 171.

returns of the import Trade from India and China. Befides, the Old Company could hold back their goods from the market, and fell them privately, juft as fuited their own purpofes: The prefent Company can fell only to the beft bidder, and were never known to keep back any goods, when a bidder could be found for them; their fales are conftant and uniform; and, above all, the magnitude of the Trade, and the appropriation of its produce, amongft fo great a number of perfons, muft ever fecure the Public from every apprehenfion of its being converted to any of thofe bafe purpofes, which, by their combination alone, can create the effence of a monopoly.

CHAPTER VII.

Plans formerly recommended for varying the Mode of conducting the Trade to the Eaft Indies.

AMONGST the fchemes devifed in preference to that of a Joint Stock Company, for fecuring a beneficial Trade with India, we do not find any one to have been gravely propofed for throwing it wholly open to chance. The only plans that feem to have been thought worthy of ferious deliberation, were fuch as had in view (though perhaps not all on the fame model) a Regulated Open Company. Such was *the firft Company* eftablifhed in the year 1600, and fuch was the *general Society*, both of which we have feen to have grown into Joint Stock Companies. The difference confifts in this: In a regulated Company, every merchant qualified according to the Rules prefcribed, and conforming to them, may become a member, and may trade with his own feparate capital; whereas, in a Joint Stock Company, the whole capital is thrown into one common mafs. In the former cafe, the number of members, and the extent of the trade, are indefinite; in the latter, though the number be not, the extent of the trade is limited by the amount of the joint ftock employed in it.

Although no general plan for throwing the Trade open has been fuggefted, hiftory furnifhes us with various inftances of attempts made by individuals to trade on their own capitals, with India and China, as well before the inftitution of the firft India Company, as fince; but fuch attempts feem one and all, to have been attended with little better than ruin to the adventurers: and, indeed, when the diftance from India, the nature of the intercourfe with the natives, and the want of ports and fettlements, are confidered, our furprize cannot but be excited at the rafhnefs of thofe who made the trial. The moft flattering profpect to adventurers of this defcription was held out in the time of the Ufurpation, when Oliver Cromwell fufpended the Trade of the Company, to give to all

all perſons a fair opportunity of trying the effect of an Open Trade. The experiment ended, as might be expected, in ruin; and, after an interval of four or five years, the Company were reſtored, and the unſucceſsful adventurers were amongſt the firſt of thoſe, who applied to the Protector for liberty to trade with a Joint Stock. Many other inſtances might be adduced of failures by private adventurers, but none have come within our obſervation, that were attended with ſucceſs. A remarkable inſtance of the inconveniences with which experiments of this ſort have been attended, happened in the reign of Charles II. Many private ſhips had ventured to trade in India in defiance of the Company, and if ſome of them found their account in it, a contrary fate attended the majority. Their loſſes were, however, the leaſt of the inconvenience; the officers and men conducted themſelves with ſo much arrogance and impropriety, and created ſuch diſturbances, as at length to excite the general indignation of the Natives, and draw upon the Engliſh in general, the reſentment of the Mogul, and other native powers; who, making no diſtinction betwixt the interlopers and the agents of the Company, waged war and ſeized on the Company's factories, and were on the brink of totally extirpating them from India, to the utter loſs of the intereſts of the Engliſh nation there: And it was only by the interpoſition of Government, who ſent a ſhip of war to ſeize on the interlopers, with a Proclamation to compel them to repair to the Company's factories, and ſubmit to their juriſdiction, that after an interruption of five years, and the incurment of a heavy expence by the Company, the Country Powers were pacified, and order reſtored.

CHAPTER VIII.

The Preſent State of the Trade of foreign Countries with India and China.

THE *Portugueſe*, the *Spaniards*, the *French*, the *Danes*, and the *Dutch*, have all, in their turn, participated in the benefits of the Eaſt India Commerce, each of them having obtained from the Country Powers the privilege of a Free Trade, and of making Settlements and Factories on the Peninſula of India, and the Iſlands contiguous, for the carrying it on. The Trade of the three laſt named has, for the moſt part, been conducted by a regular Trading Company nearly ſimilar to our own; that of the Portugueſe by Houſes of Trade, or private Companies, and ſometimes by rich Individuals, ſingly on their own Capitals. That of Spain has ſo dwindled, that of late we have ſcarcely heard of it. *Sweden* alſo has her India Company, ſo called; but we know of no Settlements poſſeſſed by her on the Aſiatic Continent, and her Trade of late times has been chiefly, if not wholly confined to China and other parts to the Eaſtward of the Ganges.

For

For ſome years previous to and until the paſſing of the Commutation Act in 1784, and for ſome time afterwards, ſeveral of theſe Foreign Companies partook of the profits derived by the ſmuggling of teas into this Kingdom, by ſupplying it either direct from China to Oſtend, Dunkirk, and other convenient places, or by ſelling it to others for that purpoſe. In conſequence of the Commutation Act, and of lowering the Duties on Tea, the India Company were enabled to underſel the ſmuggler, and in a great degree to put an end to his traffick in that article. Our own regular imports in tea have ſince become more than doubled in quantity, to the diminution of the Carrying Trade of the *Swedes*, *Danes*, and the India Company of *Embden*, inſomuch as almoſt to annihilate thoſe Companies. That of *Embden*, if not wholly diſcontinued, is ſaid to be on the eve of becoming ſo, and another India Company in the Low Countries, called the Trieſte Company, has, after very great aids afforded her to ſupport her ſinking credit, and after loſing or ſpending her whole capital, intirely ſtopped trading.

The *Dutch Company* poſſeſs not only valuable and convenient Factories, and conſiderable poſſeſſions in India and other parts of Aſia, but alſo the whole of the ſpice trade, pepper excepted, and were for a long time the envy of their mercantile neighbours. At the commencement of the American war, the Dutch Company were rich, proſperous, and flouriſhing; but in the rupture of that nation with England the ſuperior power of the latter enabled them to ſeize their Settlements in India, and interrupt their Commerce, which brought their affairs into ſuch diſtreſs, that they muſt have been utterly ruined, if they had not been ſupported by loans from the States General to a very large amount, and from that period doubts have been entertained of their ever being able, with all the aid of their Spice monopoly and land revenues in Aſia and Africa, to diſcharge their Debts and reſtore their Credit.

The failures of ſucceſſive India Companies in *France* are too notorious to require any particular detail, notwithſtanding the advantageous Settlements of *Pondicherry*, the *Mauritius*, and *other parts*. Their preſent Company, by confining their whole attention to Trade alone, and by taking part of their ſupplies for the conſumption of France, by purchaſe of the Engliſh Company, have hitherto maintained their ground; but a war muſt inevitably throw them on the mercy of England.

Beſides the Trade carried on by theſe ſeveral Companies (for they were not always in the excluſion of the private merchant), there have been ſhips fitted out by private Adventurers from *Sweden*, *Denmark*, *Oſtend*, *France*, *Portugal*, and *America*. Some amongſt them may probably have been gainers; but we know the greater part have been great ſufferers, and upon the whole afford an uſeful leſſon to ſuch mercantile ſpeculators if they were wiſe enough to benefit by the experience or misfortune of others, who have wildly engaged in the diſtant and hazardous commerce of Aſia on ſmall capitals. As to *America*, if we may be allowed to judge by her preſent ſlackneſs in the proſecution of her commerce with

with India and China, or by the purchafes fhe has been of late in the habit of making in Europe of Afiatic goods, and the loffes fhe is known to have fuftained by her cargoes of tea from Canton of the year 1789, there feems little probability of her carrying her commercial intercourfe with thofe remote regions, at prefent, to any confiderable extent.

CHAPTER IX.

The Returns of the Company's Trade anterior to their acquiring the Territories Abroad; the Effect produced by the Acquifition on their Exports and Imports; the prefent Amount of their Debts, and their Claims upon the Public for an Indemnification of their Expences incurred in acquiring and preferving the conquered Provinces.

ANTECEDENT to the year 1757, the fale amount of the Company's Imports had rarely, if at any time, exceeded two millions in any one year. Their foreign inveftments were provided for by fales or barter of their exported goods and bullion, and by money lent them by their fervants in India on bills payable in London, which was the old method of remittance of money acquired in the Company's fervice. Thus we find the annual fales of the imports by the Company for fixteen years next preceding 1757, amounted to about £. 2,055,000 on the average; and that, for the fame period, their exported goods and ftores amounted annually, at their prime coft, to £. 238,000, and bullion, £. 690,000; and that they paid in difcharge of bills of exchange, £. 190,000. If during that period the prime coft of the goods imported exceeded the amount of thofe three fums, the difference muft have been paid by the profit on the fales of the goods exported, and by land rents and cuftoms arifing at their principal fettlements. During the fucceeding ten years, it fhould feem that the revenues of the new acquifitions afforded no profit to the Company; for though the produce of the fales of imports became increafed to the amount of £. 2,150,000 annually on the average, and though the quantity of bullion exported was reduced to about £. 120,000 per ann. yet we find that the exports in goods and ftores, and the money raifed upon bills of exchange, were increafed in a greater ratio, compared with the returns from abroad, the annual amount of each being as high as £. 430,000. From 1767 to 1777, the exports of bullion were about £. 110,000; of goods £. 490,000, and the fums raifed on bills £. 458,000 per annum; and by the aid afforded from the revenues, the inveftments became fo increafed as to produce about £. 3,330,000 annually. From 1777 to 1784, the average fales of imports, notwithftanding the war, fell off in the proportion only of about £. 200,000 annually; the export in bullion was for that period very trifling; but the goods and ftores exported were increafed to about half a million, and the money raifed upon bills to about £. 761,000 yearly. For the

the laſt eight years, the ſale amount of imports has been £. 4,768,242 * annually on the medium; the amount paid for bullion £. 560,223, for goods and ſtores exported £. 753,976 †, and for bills of exchange £. 1,258,870 per annum. During the laſt 3 years the Sales have amounted to £. 5,094,535; the ſums paid for bullion £. 464,046, for goods and ſtores £. 952,027, and for bills £. 737,465 per annum on the average.

The comparative profits of the Company's Trade were certainly more conſiderable before they made their conqueſts, in proportion to the amount of the capital employed, and the aggregate of the Sales of Imports, than at any time ſince. While their cargoes were leſs they were purchaſed at more moderate prices abroad, and came to a more profitable market at home. But, by doubling the Inveſtments in India, as in fact they have been, their prime coſt, by the increaſed demand, became enhanced, while their ſale prices at home, by the increaſed quantity brought into the market, became reduced. The Company had however no choice; the ſurplus revenue in India could no otherwiſe be realized at home than through the medium of commerce; and although, on a ſtrict ſcrutiny, it may probably be found, that many articles from Bengal have not produced in England the amount of their invoice prices and other charges upon them, ſo that in the hands of a private merchant, a loſs would have been ſuſtained, yet viewing the tranſaction as affecting the community, it will be found that whatever inveſtments were produced from the territorial revenue, were a clear gain. With reſpect to the Coaſt Goods, and thoſe from China, they have been chiefly purchaſed or bartered for as in former times; and by the influx of teas ſince the Commutation act, through the medium of fair trade, a larger profit has been derived.

The Territorial Revenue, including ſubſidies and the income of the Company's own property poſſeſſed antecedently to the year 1756, may be reckoned at *nearly ſeven million of Pounds Sterling per ann.* But as the countries can only be governed and maintained, and the revenues collected, by keeping up a large ſtanding military force, and ſundry civil eſtabliſhments; and as experience has proved it to be the beſt œconomy to allow liberal ſtipends to the principal officers and ſervants, to place them beyond the reach of temptation to do amiſs; the net ſurplus, after providing for all civil and military charges, and paying the annual intereſt of the ſubſiſting debt, does not exceed, according to a computation laid before the Houſe of Commons by the Court of Directors, the annual ſum of £. 1,200,000. Be its amount what it may, the Reader may be aſſured that the ſpecie of India has been ſo exhauſted, that no part of the ſurplus, whatever may be its amount, can be

* Excluſive of ſales of privileged and private trade, which on the ſame average amounted to £. 755.757 per ann. beſides what has been ſmuggled. For the preſent ſtate of the trade, in other particulars, ſee chap. 10.

† Excluſive of private trade carried out in thirty ſhips, which at £. 25,000 each, make £. 750,000 a year, beſides illicit and clandeſtine trade by other ſhips.

brought

brought in ſpecie, nor can it be realized in England otherwiſe than through the medium of cargoes provided for the China or European markets.

With reſpect to the debts of the Company, their amount in India appears to be about *nine millions ſterling*, and there being *available aſſets* in India equal to the diſcharge of ſomething more than *two millions*, there remains about *ſeven millions* as a charge on the other aſſets and future revenues. This debt was incurred by war, and ſtands wholly unconnected with the Company's commerce.

Their debts at home, beyond the value of aſſets applicable to their immediate diſcharge, amount to upwards of *four millions*, of which £.3,200,000 is their ſtanding bonded debt, authorized by Acts of Parliament.

We have already taken occaſion to obſerve, that the claim of the Public to the territories in India acquired by conqueſt, is ſubject not only to the outſtanding demands of the Company's creditors, but alſo to an equitable claim by the Company themſelves. The juſtice of that of the creditors manifeſts itſelf too ſtrongly to require any illuſtration or argument, and will doubtleſs obtain from a Britiſh Parliament, whenever it ſhall exerciſe its wiſdom in providing any New Syſtem for the future adminiſtration of India, a ſuitable indemnification. The claim of the Company appears alſo equally intitled to the regard and ſupport of the Legiſlature, ſince it is clear and evident, that in conſequence of the unavoidable expences they have been put to by the wars in India, their Capital Stock has been twice increaſed by new ſubſcriptions, as well as their Bond Debt, to enable them to carry on their Trade; at the ſame time their dividends have continued only at £. 8 per cent.

Under ſuch circumſtances we can entertain no doubt but, from the candour and juſtice of Parliament, the territorial revenues of India will be ſo appropriated, in any new arrangement that may be made, as to provide for the exiſting debts abroad, and ſome reaſonable compenſation for ſuch part of the debts at home as the Company ſhall be able to make appear they have diſburſed in acquiring and protecting the provinces, beyond what has been produced to the Company from thoſe revenues.

CHAPTER X.

The Nature and Extent of the Trade of the Company to India and China, with an Account of the Shipping employed in it.

EXPORTS.

WE had nearly completed the account we intended to have given of the ſeveral ſpecies, quantities, and values of the goods exported by the Company, when the Houſe of Commons relieved us from that labour, by ordering * the three very able and ſatisfactory Reports, lately made on the ſubject to the Board of Commerce, by the Court of Directors, to be printed. Theſe Reports have alſo, for their more extenſive promulgation, been again printed by order of the Company. We ſhall therefore avail ourſelves of the authentic accounts they contain, by ſtating a brief recital of their contents in general, but with a recommendation to our Readers to have recourſe to the Reports themſelves, as containing many matters, omitted by us, regarding the Trade of the Company at large, highly important to be known.

From the firſt of theſe Reports we collect theſe particulars:

That the Bulk of the Exports conſiſts of,
Camblets, cloth, and other woollens; metals (particularly tin, lead, and copper); naval and military ſtores; and ſilver in bullion.

That the Company reſerve to themſelves the excluſive export of cloth, woollens, copper, bullion, and military ſtores; and alſo clocks, toys, and other articles ornamented with jewels.

That other articles † exported from hence, are chiefly purchaſed in India by Europeans for their own conſumption, and are carried abroad in what is called

* 3d January 1793.

† A Liſt of Articles exported in Private Trade.

Anchors,
Bar iron,
Bulgia hides,
Brandy,
Beer,
Boots and ſhoes,
Braziery,
Buntin,
Block tin,
Cyder,
Cherry brandy,
Canvas,
Cutlery,
Cards,
Cordage,
Cabinet ware,
Clocks,
Cochineal,
Carriages,
Carpets,
Cloth cuttings,
Confectionary,
Copper,
Drugs,
Earthen ware,
Furs,
Glaſs ware,
Gunpowder,
Glaſs beads,
Ginſeng,
Grapnals,
Gold thread,
Gold lace,

Haberdaſhery,

called *Private Trade* *, by the Commanders and officers of the Company's ſhips.

That beſides what are exported by the Company, and the Private Traders, regularly regiſtered, abundance of Britiſh goods find their way to India, both by illicit Trade carried on directly from hence, and alſo by what is termed *Clandeſtine Trade,* carried on from various parts of the continent of Europe in Britiſh ſhips, under foreign colours.

That with a laudable zeal for the public good, by promoting the extenſion of exports of Britiſh manufactures, the Company have continued to export, both to India and China, large quantities, particularly of woollens, though the ſale of them has not produced ſufficient to repay the prime coſt and all charges †: have repeatedly commanded their commercial Boards in India, *to indent* for as many as can be ſold *without an actual loſs*, making theſe commands in effect *their ſtanding order:* have greatly enlarged the privilege of their commanders and officers, in reſpect to export goods, making them freight-free; and uſed, and continue to uſe, every endeavour to open new channels for the introduction of Britiſh goods in various parts beyond the peninſula of India; the reſult of which, as far as can be yet known, is given in theſe Reports: And it may be fairly inferred, that the Company's warehouſes in *Bengal*, *Madras*, and *Bombay*, are always ſupplied with *more woollens* than can be ſold to a profit, from the circumſtance of there having been great numbers

Haberdaſhery,
Hats,
Hoſiery,
Hardware,
Ironmongery,
Lines and twine,
Lead ſhot,
Millenery,
Mathematical, and muſical inſtruments,
Mancheſter goods,
Muſtard,
Orſidew,
Oil,
Perry,
Painter's colours,
Plated ware,
Plate glaſs,
Perfumery,
Pickles,
Pruſſian blue,
Prints,
Quick-ſilver,
Rum,
Red lead,
Remnants of Cloths,
Snuff,
Sadlery,
Steel,
Sheet lead,
Smalts,
Sword blades,
Stationary,
Ship-chandlery,
Turnery,
Tin ware,
Pig lead,
Rod iron,
Tin plates,
Wine,
Wooden toys,
Window glaſs,
Wrought plate, and
White lead.

And to China,

Skins, and furs,
Jewellery, toys, watches, ſome woollens, and ſilver.

* The Company may lawfully licence whom they pleaſe to trade in the Eaſt Indies. The officers and ſubordinates of their ſhips, being *Thirty* in number for every ſhip, are allowed the benefit of it, both in Export and Import, according to their different ranks or births. This is called *Private Trade*, and what they pay for this permiſſion, and in lieu of freight, is called *Company's Duties*, and forms an article of the Company's profits. The ſervants abroad are alſo frequently permitted to remit home their fortunes in merchandize, for which they pay a freight to the Company. This latter Trade is diſtinguiſhed from the former by the name of *Privileged Trade.*

† The loſs by woollens from 1784 to 1790, exported to India, after allowing for all charges of freight, inſurance, intereſt of money, &c. is computed £.37,790, and the loſs on thoſe exported to China at £.61,877 in the ſame period.

of

of bales of different forts, remaining at all times in each of thofe warehoufes, for want of purchafers, the total value of which in 1789-90 was £. 167,761 †.

The Report on the India Trade, does not give the particulars of all the Exports of the Company thither, but of *woollens* and *metals*, and fuch part of the Private Trade as is regiftered. It does not give the quantity or invoice of naval and military ftores, fent either as merchandize, or as fupplies for the navy, army, and garrifons abroad; nor of what may be taken thither from Europe illicitly or clandeftinely, beyond what is regiftered: it is admitted, that the excefs is fo different in every fhip, and fo fluctuating, as to baffle all computation. We are however, by other authentic documents *, enabled to ftate, that the prime coft or invoice of goods and merchandize of the growth, produce, or manufacture of Great Britain and Ireland, annually exported to India and China, by the Company alone, including naval and military ftores, which are alfo of our own manufacture, taken for the average of the laft fix years, have amounted to upwards of £. 900,000 per ann. *exclufively of bullion*; and that the export of goods to China, in barter for teas, has in that period been greatly increafed, while that of bullion has decreafed in an equal or greater proportion; and it is computed that the Private Trade, regiftered and not regiftered, has amounted, for the fame period, to £. 750,000 per ann. at the leaft, taking it only at the low computation for thirty fhips annually, of £. 25,000 each; fo that the exports of Britifh goods to India and China may be computed at £. 1,650,000 per annum.

IMPORTS.

THE goods imported by the Company from *India* confift chiefly, of muflins, callicoes, and other piece-goods ‡, raw-filk, cotton, indigo, pepper, falt-petre, ophium, and various forts of drugs; and from *China*, tea, coffee, and japan and China ware: other articles are doubtlefs brought both from India and China, but they are of a trifling comparative value: *Sugar* has occafionally been imported in fmall quantities, but it has been the policy of Government, in order to difcourage (as it is thought) the introduction of fugar from the Eaft Indies, as an article either of commerce, or for confumption, to the injury of the *Weft India* Planters, to lay a protecting duty on it of £. 37 16 *s.* 3 *d.* at *the felling price*, while the Weft India fugars pay only after the rate of 15 *s.*

† The Firft Report is confined to the Trade with India; the Second, to that of China; and the Third, to Japan and Perfia. In the two laft are contained connected narratives of our commercial intercourfe in thofe parts, the nature and extent of our trade with China, and the delicate footing on which it ftands; with Remarks, fhewing the dangerous tendency of making new experiments with the Chinefe: And in the third Report are fhewn the difficulties which obftruct the extenfion of Britifh commerce with Perfia and Japan.

* Accounts prefented to the Houfe of Commons in February 1793.

‡ *Wrought Silks*, *Bengal Stuffs mixt with Silk*, or *Herba*, and *printed Callicoes*, brought from *India*, *China*, or *Perfia*, are prohibited from being worn in Great Britain. But they pay a duty, though they are again exported. The importation of *Thrown Silk* is alfo prohibited.

per

per one hundred weight. This difference in the duty at the prefent enhanced price of fugar, with the high freight paid by the Company on their Bengal fhips, virtually deftroys all competition, and amounts in effect to a prohibition: Otherwife, it is afferted that, Bengal alone, might, in a few years, be made to furnifh far more fugar than would fupply our own confumption; and that, fetting afide the duty, the fugars of the Eaft Indies might be imported, both for confumption and exportation, to the profit of the importers, and reduction in the prefent enormous price of that ufeful, not to fay neceffary article of life. But if any great quantity were to be brought from Bengal, until produced by new plantations, it would doubtlefs be felt by the Natives as a grievance, depriving them of a principal means of rearing their children, whofe fupport, while young, depends very greatly upon the fugar-cane.

To fhew the *immenfe gain* derived to this Country, by the import trade of the Eaft India Company, (a gain which diffeminates itfelf through every branch of manufacture, and affords, in all its confequences, a conftant employment to fome thoufands of our valuable artificers and workmen,) we will endeavour to ftate the whole in as clear a point of view as poffible, taken on the average of the years 1788, 1789, and 1790, and alfo on the average of the years 1791, 1792, and 1793, giving diftinctly the totals of the fums paid by the Company for prime coft, and the cuftoms and excife thereon, and the freight and demorrage, and charges of merchandize, with the total of thofe articles collected; and laftly, the amount of fales for the fame period. But it muft be remembered, that though the gains to the community may be computed from this datum, thofe of the Company cannot, as they depend on various circumftances, which require a diftinct inveftigation.

Average of the Company's own Trade, from 1ft March 1787, *to Ditto,* 1790.

Invoice, or Prime Coft abroad.	Cuftoms.	Freight and Demorrage.	Charges of Merchandize.	Total.	Amount of Sales.
£.	£.	£.	£.	£.	£.
2,547,848	521,883	736,275	270,675	4,076,681	4,511,262

Average of the Company's own Trade, from 1ft March 1790, *to Ditto,* 1793.

£.	£.	£.	£.	£.	£.
2,550,728	612,231	717,453	306,185	4,186,597	5,103,094

N. B. The Company do not infure their Ships or Merchandize, and therefore no premium of infurance is included in the charges of Merchandize, nor any intereft for the capital employed.

To

To the preceding are to be added the imports on the *Private* and *Privileged* Trade. The freight and demorrage, and charges of merchandize are included in the above account. Their prime coſt can be known only to the parties concerned; but their ſale amount, and the cuſtoms paid, taken on the average for the following periods, were as follows:

	Cuſtoms.	Sale Amount.
	£.	£.
The annual average of Private and Privileged Trade, from 1787 to 1790, being three years, was —	150,482	855,796
Ditto from 1790 to 1793, average of three years,	100,873	773,376

Beſides the duties of cuſtoms contained in the above accounts, the following further duties were paid, amounting, on the average of each year, taken for five years from 1ſt March 1787 to ditto, 1792, to the ſums following:

Exciſe on Arrack, &c.	Inland Duties on Pepper conſumed in England.	Cuſtoms and Inland Duties on Tea and Coffee.	Cuſtoms on Wines.	Totals.
£.	£.	£.	£.	£.
81,765	14,930	334,960	6,894	438,549

The whole average amount of the cuſtoms, and inland duties on the import trade of India and China to Great Britain, may therefore be fairly eſtimated at £. 1,050,000 per annum, and the ſale amount thereof at £. 5,850,000 per annum. It is computed, that the ſale amount of the Company's own imports, for the current year, will amount to 5½ millions.

The duties, however, here ſtated, do not wholly ſtop at the Exchequer. A great proportion of the merchandize from India, and probably about one tenth part of the tea imported from China, is exported to Ireland, and foreign parts; the drawbacks and bounties on which, conſiderably diminiſh the amount of the duties paid by the Company on their importation. It would, for many obvious reaſons, be extremely difficult, if not impracticable, to diſcover with exact certainty, the nett amount of the duties on the merchandize of India and China, which has remained after thoſe deductions. An account

5 of

of this nature was made for the year 1788, and by an actual and very laborious collection from the books of the custom house, it was computed that out of £. 750,000 paid by the Company for customs, on the imports sold at their sales, £. 330,000 had been repaid for drawbacks and bounties*. We are not, however, to conclude, that either the revenue or the country are ultimately injured by the diminution. The export of India goods forms no inconsiderable part of our carrying trade to other countries, giving additional employment to our shipping, and affording commercial profits to our merchants, who, in return for the India goods exported, bring other valuable commodities, sufficient to return in customs, a sum probably equal to that, which may have been paid in drawbacks and bounty. Other advantages also result to the dealers, and others, by the profits on the re-sales, by carriage and agency; and the Port of London being thus made the chief depôt for the supply of Europe, and of many parts of Africa and America, of the merchandize of the East, is necessarily resorted to by foreign merchants for its purchases, who, at the same time, buy various commodities of our own manufacture, which would probably not otherwise have been called for, by all which the national prosperity is promoted.

SHIPPING.

Ninety-two Ships are at this time employed by the Company, abroad and at home, in the Carrying Trade to India and China, the measurement of which is 81,179 Tons. The average complement of Officers and Subordinates is 30, and of Seamen 100 for each Ship, making 2,760 Officers and Subordinates, and 9,200 Seamen. Besides these, the Shipping employed in the Asiatic Seas, in what is termed "*the Country Trade*," is very considerable. The Reader will readily conceive, that to keep so numerous a Fleet of large Merchantmen afloat, for such long voyages, must create employment for a vast number of artificers in various branches of trade, and also occasion the consumption of a great quantity of materials manufactured and unmanufactured, not to mention the expences of victualling, &c. The extent of the employment it affords, and of the materials it consumes, may be estimated by the amount already given, of what has been paid by the Company under the head of Freight and Demorrage.

* It may be taken for granted, that, upon the average of five years, the annual returns of duties in drawback and bounty, are equal to two parts in five of the whole amount of customs and inland duties paid on East India and China goods.

Since the former Edition of this Tract, we have been favored with a most comprehensive and satisfactory detail of the sales of the Company's imports, including private Trade, the quantities thereof exported, and the quantities retained for home consumption for four years, with the totals of the drawbacks. A paper so useful, and coming as it does from the most respectable authority, cannot fail of being highly acceptable to the reader; we have therefore given it a place at the end of these sheets. To this the Public are indebted, as indeed they are to the many improvements introduced in the mode of keeping the accounts of the King's duties, by which alone satisfactory information on similar subjects of intricacy can be obtained, to the zeal talents and assiduity of Mr. Irving, the Inspector General of the Customs.

In

In bringing forward the foregoing Statements of the Import and Export Trade and Shipping of the India Company, which, it is trufted, will ftand the teft of the ftricteft fcrutiny. The Writer is not influenced by any felfifh or partial motives, but purely by a defire of communicating to his Readers a faithful account of the nature and extent of this branch of Britifh Commerce, that every man, by knowing its nature and magnitude, may be properly impreffed with a juft eftimate of its immenfe value and importance, in whatever view it be confidered, whether as furnifhing a regular permanent fupply of raw materials for our Manufacturers, and a uniform annual export of their productions; or as affording conftant employment and livelihood to a confiderable proportion of the inhabitants of this country, or as aiding our public revenues and the Carrying Trade of the country in re-exportation to Foreign Parts, and furnifhing various articles of comfort and luxury to all ranks and degrees of people, of the production of the Eaft, at reafonable prices; from which it is eafy to perceive the neceffity there is for the greateft degree of circumfpection being ufed in the introducing of any Change of Syftem, which might hazard the lofs, or divert the channels of this very valuable and important branch of Britifh Commerce.

C H A P T E R XI.

Refpecting the Profits derived by the Company from their Trade.

THE accounts which have been publifhed do not furnifh the means of computing, with any degree of accuracy, the Profit and Lofs upon *the Export Trade*. This defect is occafioned by the merchandize being blended with military and warlike ftores, and the want of a fpecification what part of the ftores was fold or what part of them was converted to the ufe of the forces and garrifons. The charges of merchandize are alfo blended with the expences of raifing and maintaining recruits, and conveying them to India; and with gratuities, penfions, law charges, and other difburfements of various kinds. In the year 1780 it appeared, that the Export Trade, and the Company's duty on Private Trade, had, upon the medium for fome years before, cleared a profit equal to an annual dividend of £.2 12*s.* 6*d.* per cent. on the old capital of £.3,200,000; the profits derived by the Exports to China * fince that time have not been afcertained; and with refpect to the Exports to India, it may be doubted if they now yield any real profit. For although warlike ftores, and metals, ammunition, and other articles, produce fomething confiderable, that profit is, in a great degree, if not intirely abforbed in the loffes on other goods, damages and charges of merchandize, and intereft of the money paid on the outfit.

* The profits on thefe have been computed at £.65,000 per annum.

Of the † *Import Goods* from India and China for the years 1791, 1792, and 1793, the produce of the Sales appears to have exceeded the invoice thereof, with the cuftoms, freight, and charges of merchandize paid thereout, by £. 2,749,491, the yearly average whereof is £. 916,497.

The next article of profit arifes from a duty fo called of £. 5 per cent. which the Company are authorifed by law ‡ to take towards the expences of fupporting the Factories, maintaining Ambaffadors, &c. in India, on the value of India Goods imported by the *Private Traders.* The *privileged* as well as the *private Trade* of the Company's Officers pay this duty, and alfo 2 per cent. more *ad valorem* for warehoufe room and in lieu of other charges of merchandize on thefe goods, and the *privileged Trade* pays the Company at the rate of £. 15 *per ton* homeward for freight and demorrage; from hence the Company derive about £. 70,000 a year, befides the £. 15 per ton for freight, and although the fum produced may in appearance form part of their mercantile Funds, as an article of profit, it has not in reality a feature of real profit in it; becaufe if the private and privileged Trade were to be charged with a due fhare of the expences of fupporting the Settlements and Ambaffadors abroad, and warehoufes, &c. at home, apportioned by its amount *ad valorem* to the Company's own Trade, the Sum falling on the private and privileged Trade would be much larger than it is *. And it is owing to the manner in which this duty making 7 per cent. is charged in the Company's Accounts, that gives it the appearance of a profit, when in reality it is only part of the fum charged againft their own Trade, under the heads of Freight and Charges of merchandize, and ought more properly to be fubtracted from them. We have been thus particular in explaining the nature of this duty, becaufe the cuftom houfe officers have complained of it as holding out an additional temptation to the fmugglers of private Trade, to avoid the cuftoms and this duty likewife. And we muft confefs, that if the private and privileged Trade were to be charged, in lieu of freight and other charges, a duty of tonnage, which fhould not depend as the Company's duty now does upon the actual lodgment of the goods in the Company's warehoufes, the excitement to running the goods would in fome degree be leffened.

The only further article of profit at home is the unfold part of the Company's *Annuity* from Government, and the Allowance for Management, making together £. 37,913 16 *s.* per annum.

The *old Settlements* of the Company in India properly form a part of their Commercial Eftate. But the revenues of them, fince the obtaining the Dewannee of Bengal, have been fo blended with thofe of the Dewannee, and other conquered or ceded territories, as to make it impracticable, to ftate what they amount to at prefent. It does, however, appear, by the printed Reports

† Printed Papers, No. 28. ‡ By act 9 & 10 W. 3. ch. 44. f. 76.

* The Commercial Charges, at the feveral Settlements in India, amount to 8 per Cent. on the Coft of the Inveftment; and the Charges of Merchandize at Home to 6 per Cent. on the Sale. Printed Accounts No. 3. & 4. of 20th February, 1793.

of 1772 and 1782, made by different Committees of the House of Commons, that the Company's *own landed Property, Customs and Port Duties,* produced so late as 1780, a gross revenue of at least £. 590,000 a year, from which there must be deducted £. 70,000 a year paid to the Soubah *Nizam Ally*, for the rent or Farm of the *Circars*. Supposing these possessions were to contribute to the general expence of the Empire in India, on a proportionate footing with those of the Company and of Arcot and Tanjore, there would still remain a very large annual income from them, probably to the * amount of more than *four* per cent. per annum on the Capital Stock of *Five Millions.*

The result of the enquiry into the annual profits of the Company appears to be, that, with a temporary use only of part of the surplus of the public Revenue of Bengal towards the purchase of their goods, the Company are in possession of a yearly income derived by Commerce, and by Rents and Customs, as follows:

The profits by import goods from China and India —	£. 900,000
By the contributions of Private and Privileged Traders, towards current expences — — — —	70,000
By their annuity from the Public for their unsold part of the debt of £. 4,200,000 — — — —	38,000
And by rents, customs, and port duties in India, at the least	250,000
Total per annum —	£. 1,258,000

* Third Report Committee of Secrecy, 1772, p. 61. Company's Lands and Customs possessed before 1757, produced in ten years (as follows):

	£.	
Bengal — — — —	235,882	Clear of Charges of Collection, Commission to Servants, Jagheers and Stipends.
Madras — — — —	641,440	
Bombay — — — —	565,075	
Bencoolen — — — —	21,457	
	1,463,854	

The annual average — — — — —	£. 146,385
Purgunnahs, fourth Report, 1772, p. 100 — — —	115,000
Four Northern Circars, six lacs pagodas, fourth Report, 1782, p. 19	240,000
Add Guntoon Circar, at nine lacs of rupees — — —	90,000
	591,385
Deduct the rent to the Nizam	70,000
Remains	521,385
Suppose expences of all sorts —	271,385
Nett —	£. 250,000

Which

Which income (except the temporary uſe of the ſum neceſſary to be realized in Great Britain for the benefit of the Public, through the medium of the Company's Commerce) is unconnected with, and independent of, the Dewannee revenues of Bengal, Bahar, and Oriſſa, and the new acquiſitions from Tippoo Sultaun in the Carnatic, all belonging to the Public; and the only deductions to be made from it are, the intereſt on the bond debt, and on bills of exchange and occaſional loans, and ſuch other articles of diſburſement, as have not been already placed under the head of Charges of Merchandize, the whole of which cannot exceed, communibus annis, on a very liberal eſtimate, £. 200,000 per annum.

We are unable to ſtate with certainty the profit on goods exported to China; it muſt, however, be obſerved, that the amount of that profit can be realized only by the ſales of the Teas in England; although it has been eſtimated that there is a profit on the ſale of thoſe exports of £. 65,000 a year, nothing is included, on that account, in theſe ſtatements, there being no official document to refer to.

CHAPTER XII.

A conciſe View of the Company's Affairs, in their diſtinct Capacities of Sovereigns *and* Merchants.

ON the Compact * of 1781 for enlarging the term in the excluſive Trade, the funds ariſing by the *net ſurplus of the Territorial Revenues and profits of Trade,* after payment of a dividend of 8 per cent. to the Proprietors of India Stock, were to be applied, *three fourths* to the Public, and *the remaining fourth* to the Company. By the continuation of the war, and the increaſed eſtabliſhments, civil and military, in India, between 1779 and 1782, thoſe funds fell greatly deficient to defray the expences. In 1783 the Public agreed to forego any participation of the above funds until certain debts ſhould be diſcharged; and by *the Relief-Act* of 1784 the participation, as ſettled in 1781, was to be reſumed, as ſoon as the debts therein ſpecified were paid, and the bond debt reduced to £. 1,500,000. The Peace with *Tippoo Sultaun* was not concluded till March 1784, and it was a conſiderable time after the treaty before the troops were completely reduced to the peace eſtabliſhment, and properly ſtationed. It has ſince proved, that if the whole of the debt incurred by the war, beyond the revenues which had been received, could have been brought forwards at an early period, they would not have fallen much ſhort of *Eleven* Millions. Upwards of *Four* Millions of it have been ſince diſcharged or transferred home, and from the accounts lately printed by order of the Houſe of Commons, it may be

* Acts 21 Geo. III. Ch. 65.——23 Geo. III. Ch. 83.——24 Geo. III. Ch. 34.

 collected

collected, that after allowing for the cash in the treasuries abroad, and bills of exchange due, and such other assets as may be deemed good and available, there will still remain a debt of upwards of *Six Millions*, besides £. 1,384,050 due on bills granted on account of the India Debt upon the Company at home, including interest thereon, to March 1794. The *Political* or *War Debt* of the Company remaining to be paid, or provided for, may therefore be taken at about *Seven Millions and an Half Sterling*. From the Circumstance of the Paymaster of the Forces laying before the House of Commons an || Account of sums advanced relative to the Forces of His Majesty serving in India, it is not improbable but the debt will be increased by the Demands of Government under that head. The total of the sums advanced on this account, for four years, is £. 258,994.

The Commercial Assets *in India alone*, without taking into the account the value of *Stores*, or *Sums* owing to the Company of a doubtful nature, appear to exceed their *mercantile debts there*, by One Million Sterling or more, and the balance of Assets in their favour in China is £.770,000. Their bond debts, and other debts at home relating to their trade, amount to about £. 6,250,000. Their available Assets in merchandize and good debts, including the unsold part of their annuities, to about £. 8,500,000, leaving an overplus of £. 2,250,000, which, with One Million of Assets in India, and the £.770,000 in China, makes a balance in favour of the Company, after providing for their *Commercial Debts*, of £. 4,000,000 towards securing their Capital Stock of Five Millions.

In addition to this sum, the Proprietors of India Stock have the following further security for their property, viz.

1st. The Military Stores abroad, valued at £. 980,910 *.

2dly. The Buildings † and Fortifications at the several Settlements, including St. Helena, which appear to have cost the Company £. 7,320,559.

3dly. In Plate, Household Furniture, Plantations, Farms, Slaves, Sloops, Vessels, and Stores, in India, £. 1,091,705 ‡.

4thly. All their Landed Estates and Customs, (viz.): Calcutta and its Purgunnahs, Madras and its Jagheer, the Five Northern Circars, the Islands of Bombay and St. Helena, Cuddalore, Pinang, and Bencoolen, producing a gross income § of £. 520,000 a year, or £. 400,000 a year net income, being at least £. 250,000 a year after allowing its due proportion for the general defence, as before stated.

5thly. The Produce of the Cargoes of the India and China Ships already cleared from England, beyond their prime cost.

|| Printed by Order of the House, the 12th February 1783.
* Printed Papers, House of Commons, No. 2.
† Stock by Computation, No. 17. ‡ Ditto. § Ditto.

6thly. The produce of the Cargoes above their invoices, which ſhall hereafter arrive from India and China.

7thly. The India-Houſe, Warehouſes, and other Buildings in London, valued at £. 355,780 †, and their Ships and Veſſels, valued at £. 37,050.

Laſtly. The Sum on Balance, juſtly chargeable to the Uſe of the Company on the *Dewannee Revenues* in India, which ſhall be found to have been paid by them out of their Commercial Funds, beyond what has been produced from the *Dewannee Revenues*.

CHAPTER XIII.

Recapitulation of the preſent State of our Trade with India and China, and the Rights of the Eaſt India Company. The Nature and Grounds of the various Objections expected to be made in Parliament, to the Continuation of the Trade on its preſent Syſtem. Reflections on the Effects of Innovation.

AT a time when the Company are threatened with a ſerious oppoſition to the continuance of their excluſive Trade with India and China, it is of importance, that not only the Members of the Legiſlature, but every individual in ſociety, ſhould have a competent knowledge of the nature and extent of the Company's acknowledged Rights, and the manner and authority, whereby they were obtained and are upheld, and, above all, of the extent to which their Trade has become advanced, that it may be clearly ſeen how far the intereſts of the Nation are more immediately concerned in its ſupport, or connected with it. It was to that intent that we have gone into the detail; and we ſhall beg the indulgence of our readers, while we endeavour to bring the whole into a conciſe, but more connected view, conceiving that a concern ſo momentous and weighty cannot be too well underſtood, or too firmly impreſſed on the mind.

The Rights of the Company are held under the immediate authority of Parliament, and embrace all thoſe of the Old Chartered Company, which ſubſiſted from the year 1600 to 1708, when they became veſted or abſorbed, with all their Fortreſſes, Settlements, and Factories, and other property, real and perſonal, in the preſent United Company, (their body politic, and their power of converting the Trade into a miſchievous monopoly excepted). They are a perpetual Corporation; and although their excluſive Right to the Trade, and their power of adminiſtering the government and revenues of India, were to be determined (both which it is in the power of Parliament to do after March

† Printed Papers, No. 24.

1794).

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1794), they would ſtill remain an incorporated Company *in perpetuity*, with the excluſive property and poſſeſſion of *Calcutta, and Fort William, Madras and Fort St. George, Bombay, Bencoolen, and St. Helena*, and various other Settlements and landed Eſtates in India, and alſo a right of trading thither, *with a Joint Stock*, together with all their repoſitories and other conveniencies adapted to their commerce, and the preſervation of their merchandize, both abroad and at home. The only privileges they can be conſtitutionally deprived of, are thoſe of trading *to the excluſion of others*, and of *governing* the countries, and collecting and appropriating the *revenues* of India. Whether, in the event of the *ſole Trade* being determined, individuals would be able to carry on a ſucceſsful trade to India, if the Company were to debar them the uſe of their *Ports* and *Factories*, may require a ſerious conſideration.

The exports of the Company in woollens, metals, warlike ſtores, and other goods, of the growth, produce, or manufacture of Great Britain or Ireland, have gradually increaſed ſince 1757, from £. 230,000 to 900,000 a year, and the private trade is computed at £. 750,000 more, making together £. 1,650,000. Great exertions have been made, and are ſtill making, to open new channels in the Eaſtern Seas for a further increaſe of exports of our manufactures. The imports have been extended in a greater proportion than the exports. Before the year 1757, the ſales of imported goods produced only about £. 2,000,000 a year; and in 1767, not more than £. 2,300,000 a year including the duties on teas. During the laſt eight years the imports have amounted to nearly *five millions* a year, excluſively of thoſe duties, beſides Private Trade, which has produced £. 800,000 per ann.; and this year the Company's ſales are eſtimated at * upwards of 5 ½ Millions, excluſively of all private and privileged Trade. The annual payment to ſhip owners, for freight and demorrage, have been extended in an equal proportion; and on a yearly average for the laſt four years, it has exceeded £. 800,000 a year, and other charges of merchandize paid to individuals have exceeded £. 360,000 a year. The groſs annual amount of cuſtoms and exciſe on the goods imported by the Company's ſhips, including the Private Trade, has exceeded £. 1,000,000 a year, and though probably £. 400,000, or £. 430,000 a year of that ſum has been repaid in drawbacks and bounties, on the exports of goods, partly unmanufactured and partly manufactured in England with the raw materials of India, it hath been amply repaid to the Community by the employment afforded to our own manufacturers, by the gains made by exporters and dealers, by profits ariſing from carriage and agency, by the means to which the exports from hence of Aſiatic merchandize have contributed, towards ſecuring the general Balance of Trade in our favour; and, laſtly, by the returns brought back of valuable articles of merchandize, liable to cuſtoms and inland duties.

* Printed Paper, N° 10, computes the ſum to be received by ſales between March 1793 and March 1794 at £. 5,400,000. The ſale amount cannot therefore be eſtimated at much ſhort of 5 ½ Millions.

The

The Britiſh ſhipping employed at this time by the Company, exceeds 81,000 tons; the number of ſhips is ninety-two; their whole complement in officers and ſubordinates 2,760, and of ſeamen 9,200; of the latter, not leſs than 7,000 are in conſtant employment.

Each of theſe officers and ſubordinates has a limited privilege of trading, both outward and homeward, according to their rank or birth in the ſhip, and their number being added to the Proprietors of India Stock, (conſiſting of more than 2,700 perſons) and to the ſervants of the Company abroad, who have alſo indulgences of trading, the whole number of perſons, who participate directly and immediately in the India and China Trade by the Company's ſhips, may be fairly computed at 6,000; and whilſt this immenſe Trade has been maintained and ſupported at the ſole riſk of the Company, whoſe Members have received no other benefit, than moderate intereſt for the capital employed, the Public have derived, in direct revenue, and in various different ſhapes, every other * ſpecies of profit and advantage produced by it.

The ſuperior advantages reſulting from the ſyſtem of regularity, eſtabliſhed for the conduct of the Company's Trade, over a looſe precarious outfit, are alſo numerous. The demand for manufactured goods is regular and uniform, affording conſtant work to the hands employed in the making of them. Thoſe, with whom the Company have dealings, are certain of liberal treatment, and punctual payment. Tradeſmen, artificers, and manufacturers, emulate for their cuſtom. The number of families in London and its environs, whoſe whole ſupport is dependent on the Company's Trade, is great beyond conception. Their mercantile eſtabliſhments in England and Abroad, though conducted (if we except the article of freight) upon ſtrict rules of economy, are immenſe. The India Houſe, and their numerous warehouſes, are filled with perſons bred up to the buſineſs from their infancy; and if they were to be deprived of it, the greater number, men of reſpectable characters and irreproachable conduct, muſt be reduced to want or diſtreſs. It would be almoſt endleſs to enumerate the tradeſmen, artificers, and others, who, by the means of this regular, and as it were, fixed trade, earn and obtain honeſt livelihoods in building, rigging, and careening of ſhips, and furniſhing guns, anchors,

* The Company's profits by a dividend of eight per cent. on a capital of five millions, is per ann. £.400,000 only.

Paid to the merchants and ſhip-owners on an average of five years	800,000
Paid for charges of merchandize ditto ditto —	360,000
Paid for export goods ſent abroad, including Private Trade —	1,650,000
Paid for cuſtoms and exciſe on an average of four years —	1,060,000
Annual benefit to the nation —	3,870,000

Excluſively of the advantages derived by the raw materials of India manufactured in Great Britain, and the profits by exporting India and China merchandize.

timber, iron, ſails, cordage, and various other ſorts of implements and tackle uſed therein.

Well calculated, however, as the preſent ſyſtem may appear, for ſecuring a continuance of the advantages, we have endeavoured to deſcribe, the Company, when they come to Parliament with their Propoſals for an extenſion of their term in the excluſive Trade, will probably find themſelves ſurrounded by many opponents, and on various grounds. Merchants and ſhip owners from different quarters, but more particulary from the Out-ports, may urge, that their excluſion from a participation in the benefits of the Aſiatic Trade, is repugnant to the ſpirit of the Britiſh conſtitution, which declares, that the ſeas ſhall be free and open to all; and that it is highly injurious to the commercial intereſts of the reſt of the Three Kingdoms, that this Trade ſhould be limited, in all its imports and exports, to the metropolis alone. Manufacturers of various deſcriptions may think it for their intereſt, to unite their ſupport with the merchants, on theſe general and plauſible grounds, for an Open Trade. They may likewiſe, according to their different views of aggrandizement (in the event of the failure of their moſt favourite plan) inſiſt on the juſtice and expediency, of laying the Company under various reſtrictions and prohibitions. The cotton manufacturer may be anxious to deſtroy all competition and rivalſhip to his trade, both at home and abroad, more particularly in the article of muſlins; to what extent he will claim or expect this indulgence, whether to the putting a ſtop to the making of muſlins in India, or only a prohibition againſt their being worn in England, time will diſcover. The woollen manufacturer may complain of the partiality, which he experiences (a partiality inſeparable from an excluſive Trade), by the option it leaves in the conductors of it, to deal with particular cuſtomers to the excluſion of others. The ſhip owners may, on ſimilar grounds, revive their complaints, and urge the propriety of laying the Company under an obligation, to charter their ſhips according to the loweſt offers. And as the Company, like other exporters of woollen cloth, are in the habit of buying it, in an unfiniſhed ſtate, and employing preſſers and packers to perfect it, the manufacturers of it may poſſibly think, that the Company ought to be reſtricted, in that reſpect, in order to add to his profits, thoſe of the packer and preſſer. The tin merchant, and miners in Cornwall (regardleſs of the ſervices ſo recently afforded them, through the medium and at the riſk of the India Company, whereby alone their diſtreſſes could be effectually * relieved), may think it but a ſmall and reaſonable ſacrifice, for the Company to make in their favour, to be laid under an obligation, to purchaſe and export all the tin they may raiſe, at ſome fixed price, or in the alternative, that the ſhips of individuals may be licenſed to take it abroad, and barter it for teas and other China commodities. Other deſcriptions of perſons, on ſimilar grounds of profit and aggrandizement, may, in like manner, come forward, and urge pretenſions for

* Alluding to the immenſe export of Tin by the India Company to China at a time when moſt of the miners, for want of employment, were in great diſtreſs, and the repoſitories of the tin merchants filled with tin without any proſpect of their finding purchaſers for it.

other

other regulations or reftrictions, not yet forefeen. We know, by every day's experience, that nothing is more eafy than to procure hands to Petitions, and when prefented to Parliament, the petitioners have, one and all, a right to be heard, and have an equal claim to its patience, its candour, and its juftice; nor can any doubt be entertained, but their petitions, and the proofs they fhall adduce, will have every confideration paid to them, that may be found due to their merit.

On the grand point, that of opening the Trade altogether, we have as yet feen no fpecific well digefted plan offered to the public eye. It, however, can hardly be fuppofed, that even the moft zealous advocates for a new fyftem, can be defirous of feeing the prefent mode of conducting the Trade determined, and the future Trade left *to hazard and chance.* A meafure more prepofterous and abfurd, nor any fo fraught with ruin and mifchief to the general interefts of the empire, as affecting the *political,* the *mercantile,* and the *financial* concerns, both of *Great Britain* and *India,* could not be devifed or imagined by an enemy to both. A new exclufive *Joint Stock Company* (without adverting to the confideration, whether any better than the prefent could be framed) could not, we think, be eftablifhed, but in direct fubverfion of thofe principles of juftice and public œconomy, which, by analogy to other cafes, where the property or interefts of individuals are made to give way to the accomplifhment of great and important defigns, effential to public convenience and utility, have ever guided and governed the conduct of the Britifh Senate. To fuch as may contemplate a new *Joint Stock Company,* it may be afked, if the public purfe can be made chargeable for the value and amount of the property and immoveable effects of the prefent Company, abroad and at home? Or, can a new fubfcription be expected to fucceed equal to the amount both of their *Value* and *Capital* neceffary and fufficient for a trading Stock? And, how or by what *Tribunal,* or after what *Datum* fhall a *Value* be fixed on the antient poffeffions and eftates of the Company in India, and on thofe *indefinite Rights,* which muft unavoidably be made to ceafe, upon the creation and inveftiture of any new exclufive *Joint Stock Company*; and in what refpect have the prefent Company fo forfeited that *preference* to the public favour, which their long poffeffion of the Trade, and the fervices they have rendered to the community, feem fo juftly to intitle them to, if they fhall be defirous of continuing it; fubject, however, to any further regulations and reftrictions, which may be thought needful, and not being degrading to the character and pre-eminence, they have fo long held and fupported in India?

With regard to a regulated Company, unlefs it were known on what principles it were intended, and whether to the exclufion of the prefent Company, or for the purpofe of rivalfhip and competition, it would be premature to offer any remarks upon it.

We have hitherto confined our obfervations to what has relation only to the Mercantile Character and Concerns of the Company; but in deciding on the

expediency

expediency of the queſtion, whether any change or innovation (beyond mere matter of regulation) can with ſafety be adopted, it is eſſentially neceſſary to inquire, in what degree it might have a tendency to ſhake Public Credit, by rendering the revenues derived from the Trade of Aſia precarious and uncertain. At preſent, as far as the Company's *own merchandize* is concerned, the Duties and *Cuſtoms* have been and will doubtleſs continue, ſecure from all poſſibility of fraud. By a few wholeſome proviſions, the Duties on the *private* and *privileged Trade*, we think, may be equally protected. Some of the moſt valuable of the articles, and on which the Duties are higheſt, lie within ſo narrow a compaſs, as to make them eaſily portable; and if the fact be true (as it has been alleged and is generally believed) that a major part of theſe articles, and often others, though more bulky, are clandeſtinely imported from the Continent, by which the Public are defrauded of duties, to a large amount, it muſt be left to our Readers to judge, what pernicious effects might not be produced on the Revenue of Cuſtoms, if the Trade was to be ſo far laid open, as to admit of the landing the goods of India and China at any of the ports of Great Britain or Ireland, at the option of the owner or maſter. Under any other mode of Trade, whether open, or under a regulated Company, there ſeems to be but one way of guarding againſt this evil, and in that the remedy would probably be deemed worſe than the diſeaſe. It is by lowering the duties, ſo as to render them unequal to the riſque and inſurance of the ſmuggler. This, however, might obviouſly defeat the very intent of impoſing the preſent duties, whether prohibitory or protecting. And here we cannot help adverting to the complaint of ſome of the Cotton Manufacturers, who vainly think, that by prohibiting the importation of India Muſlins, their conſumption here might be prevented. To encourage that new branch of Trade, *raw Cotton* is already allowed to be imported *free from duty*; nor is Britiſh Muſlin liable to any (unleſs dyed of more than one colour), whilſt India Muſlins pay a protecting Duty of *eighteen per cent. ad valorem, on importation*; and if they are exported, only *ten* of it is returned *in drawback*. This Duty has at all times been more than * ſufficient to cover inſurance by the ſmuggler to the dealer. It is therefore obvious, that if the conſumption of India Muſlins is at preſent injurious to our own Manufacture, the lowering the duty, though it may be the means of ſecuring and increaſing the Revenue on Muſlins, muſt have the effect of increaſing the conſumption, and of courſe the evil complained of will remain unremedied. And ſuch we think (in deference to the better judgment of thoſe who complain) muſt for ever be the caſe, until Britiſh Muſlins can obtain a preference in the Market to thoſe of India in their texture and price; or unleſs the poor Natives of India ſhall be forbid to reap any fruits by their ingenuity and induſtry. For undoubtedly, while the Natives are not prohibited from making Muſlins, and while their Goods are

* It is univerſally known, that the inſurance on India Muſlins, ſmuggled from Oſtend or Dunkirk into a dealer's ſhop in London, rarely exceeds £. 14 per cent. in which every expence is covered. It is computed that we pay four millions of pounds ſterling per annum for cotton, and that the goods manufactured with it ſell for ſixteen millions, while the whole quantity of India Muſlins ſold for Conſumption, has fallen conſiderably ſhort of £. 400,000. It is the fineneſs and excellence of the Indian Goods that can alone preſerve the faſhion.

preferred

preferred to Britiſh Muſlins, they will find their way to Europe in ſpite of any laws we can make; and prohibitions will only have the effect of transferring the benefit now derived by the Trade in *India Muſlins* from the Company and the dealers and exporters of them, into the hands of Foreigners. The prohibition might alſo have the effect of making Muſlins unfaſhionable to the utter ruin of the Trade.

That under a regulated Company, it would be impracticable to frame proviſions, for ſecuring the Duties in general from frauds, we by no means aſſert. It ſeems ſufficient, to point out in what reſpect they may be improved under the preſent Company, and on the other hand how they may become more expoſed than at preſent to evaſion and fraud, and more particularly if the Trade ſhall become diffuſed, and conducted at many different ports by various hands.

Above all, it will be expedient to conſider how far any material innovation on the preſent ſyſtem of our Aſiatic Commerce, may have a tendency to affect the political connection between Great Britain and India. It is well known, that the affairs of Government, Revenue, and Commerce, in the Provinces abroad, are become blended and intimately connected, each in its turn aiding and ſupporting the others, and that they cannot be ſeparated without putting the whole to hazard, nor in any event without incurring conſiderable inconvenience and certain loſs. At the time of our firſt obtaining theſe territories, it required no extraordinary degree of penetration to foreſee, that *ten* or *eleven* millions of people, ſituate at ſo diſtant a part of the globe, attached to laws and inſtitutions founded on ſuperſtition, and widely differing from thoſe of their Conquerors, were not likely to ſubmit to a New Government, and New Laws, adminiſtered in the Name of a Chriſtian Prince, as their Conqueror, reſident they knew not where but by name. To reconcile their minds, by quieting their fears and apprehenſions, and to prevent, as much as poſſible, their feeling the change of their condition, the wiſe and politic as well as benevolent medium, was adopted of ſurrendering back, in appearance, the conquered territories to their native owners, and accepting, as a kind of truſt from the reigning Mogul, the office of Duan, or High Treaſurer and Collector of the Revenues ariſing from them, upon an engagement to protect the Country from enemies, to pay the expences of the *native* Civil Government, and to contribute to the ſplendor and authority of the Mogul's Court, and the Defence of his Empire, leaving the Civil Government to go on and be adminiſtered in the name of the Mogul and his Subah or Nabob. Conformably to this engagement, the Government of the Provinces has been continued to the preſent time. The Britiſh influence is indeed paramount, but in the public Archives of the Country, all matters which relate *to civil and criminal Judicature* appear as if conducted ſolely by, and in the name of, the Mogul or his native officers; and all municipal concerns are decided by the Laws of the Natives, thoſe between Muſſulmen by their Magiſtrates, and according to the Laws of the Koran, and thoſe between Hindoos and Gentoos by the Shaſter; nor of

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late time have the Company's Officers interpofed their authority over the Native Magiftrates, but with a fparing hand, and on urgent occafions.

The revenues of thefe territories, namely, of Bengal, Bahar, Oriffa, Benares, Madras, and Bombay, with the fubfidies of the feveral Nabobs and Rajahs, received by the Company, have amounted yearly, taken on an average of three years from 1787 to 1790, to about £. 6,900,000 Sterling. The expences, civil and military, paid out of thofe revenues, and the intereft of outftanding debts, with the expences of the eftablifhments at Fort Marlbro', Pinang, and St. Helena, are computed at about £. 5,800,000, leaving a net annual furplus of about £. 1,100,000 *. Of the grofs income, part of it arifes from the Company's own proper territories and revenues, as before is ftated; the remainder of it from the Dewannee lands, and by fubfidies. It is univerfally admitted, that India having been already in a great degree exhaufted of its fpecie, it is not poffible for any part of this *furplus* to be realized in Great Britain, but *through the medium of commerce*; nor could the revenue itfelf b made good, but through the aid given to the collection of it, by articles of Indian manufacture, annually provided for the *China and European inveftments*. It would anfwer little purpofe to go much at large into an explanation, of what in itfelf is intricate and tedious. Suffice it to obferve, that the Company employ overfeers at their Aurungs in India, and in providing their manufactured goods. The collectors of the revenue advance money to thofe people out of the collections, for the purchafe of raw materials, and for fupporting the manufacturers and workmen employed. The money has a rapid circulation; it paffes inftantly from the Manufacturer to the Ryot, or cultivator of the lands, for rice and other food; from thence to the Native Collectors of the village for rent, who pay it over to the fuperior Landlord or Zemindar, through whom it again reaches the Company's Collector. What is paid for the raw material reaches immediately the occupier of the Cotton Grove or Poppy Garden, and is circulated through a like medium till it comes to the Englifh Collector. Such being the courfe of circulation eftablifhed in all thofe parts of India, where piece goods, ophium, indigo, or other articles of merchandize, are manufactured, and the condition of the Natives employed in them, being fo abject as to require a regular fupply, to keep them from emigrating or ftarving, it fhould feem that either in cafe, of diverting the revenue to any other purpofe, or depriving the inhabitants of this means of fupporting their families, neither Revenue, nor manufactured Goods, could be obtained; and if revenue could not be obtained, there muft foon be an end to the influence of the Britifh government in Hindoftan; the political connection between the two countries would be deftroyed, and all commercial intercourfe would moft probably perifh with it.

* *N. B.* According to the Memoir of the Carnatic, juft publifhed by Major Reynell, the revenue of the countries ceded by Tippoo Sultaun, amount to £. 411,000 per ann. Whatever nett income is produced from thence muft be added to this furplus of £. 1,100,000.

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Under these circumſtances, it ſhould ſeem that every man, whoſe mind is not biaſſed by an undue prejudice, or by views of perſonal aggrandizement, will perceive the imminent danger to which our Poſſeſſions, our Trade, and our Revenues in India, may become expoſed, by aboliſhing the preſent ſyſtem, and ſubſtituting another, which may prove unſucceſsful. All material innovations upon eſtabliſhed uſages and forms, more particularly in ſuch as relate to matters of Government, Public Revenue, or Commercial Connection, are ever attended with inconveniences and difficulties, and can only be juſtified upon the ground of unavoidable neceſſity. The ſlighteſt diſcontent amongſt the natives may lead to ſuch extremities, as we may be neither prepared to meet, nor have ability ultimately to repel; and we may have to lament, when it is too late, that we have ſuffered our reaſon to be led aſtray, by the plauſible arguments and falſe reaſonings of intereſted ſpeculators; and, what will not add much to our conſolation, will be the reflection of having ſuffered ourſelves to be deluded, although warned of the impending danger, by every ſucceſſive Governor of Bengal, and particularly by Mr. Haſtings, who emphatically tells * us, that "our exiſtence in India has, on many occaſions, vibrated to "the edge of perdition; and that it has at all times been ſuſpended by a "thread ſo fine, that the touch of chance might break, or the breath of "opinion diſſolve it."

In this diſcuſſion we have carefully avoided quoting any of the arguments † uſed upon former occaſions, for and againſt an excluſive Trade, becauſe, by the acquiſition of Kingdoms and Provinces, the Aſiatic Trade has, ſince thoſe times, undergone an entire change, inſomuch that the order and ſyſtem, which formerly obtained in the conduct of it, ſeem now to be perfectly inverted. The point contended for on thoſe occaſions was ſimply mercantile. The ſubject now ſpreads itſelf into a wider field; it attaches to it *political* concerns of high importance, as well as thoſe of *Commerce* and *Finance*. At thoſe times, a change in the exiſting ſyſtem was of little comparative conſequence; the Exports and Imports were *ſmall*, and the Revenue by *Cuſtoms*, if it had ſuffered, could have been eaſily made good; for the *National Debt* was then moderate, the objects left for *taxation* were numerous; and the real and perſonal aſſets of the Company were more than ſufficient, after the diſcharge of their debts, to make good the value of their capital Stock; it became therefore a queſtion, fairly determinable by the weight of public opinion, how the India Trade might be beſt conducted, without involving in its conſequences, thoſe important rights and intereſts, which ſeem now to depend on the continuance of the preſent ſyſtem of conducting the Government, Revenues, and Trade in all its eſſential parts. It may be alſo material to obſerve, that although the Eaſt India Company have a clear indiſputable right to continue *to trade for ever to India, with a joint Stock, in common with the reſt of his Majeſty's Subjects*, it does not follow as a neceſſary conſequence, that they will continue to do ſo, further

* See his Review of Bengal, 1785.

† They are inſerted very much at large in Anderſon's Hiſtory of Commerce.

than

than may be neceſſary for winding up their affairs, unleſs ſuch terms are granted them as they may think it for their intereſt to accept. They have certainly an option, and can in no reſpect be compelled, or indeed be expected to continue the reſponſible Agents of the Public, in the Adminiſtration of the Government of India and its Revenues, if individuals be authoriſed to ſtart up in every part of Hindoſtan, even at their own Ports and Factories, as their rivals and competitors; or if laid under unreaſonable reſtrictions at home, by which the ſhip owner, the manufacturer and the tin miner may become the dictators, what ſhips they are to employ, rates of freight they ſhall pay, in what ſtate or condition they ſhall purchaſe their commodities, what ſorts they ſhall be reſtricted from importing, and what quantity of metals they ſhall be compelled to take, and after what rate of price; if reſtrictions of this nature be impoſed, the Company may think it for their intereſt to withdraw, and after diſpoſing of their property to others, may relinquiſh the important truſt. The conſequences of their doing ſo, are more proper to be weighed by others, than to be deſcribed by us.

Upon the whole, we muſt confeſs, that until a better plan than any we have hitherto ſeen, or are capable of ſuggeſting, ſhall be deviſed as a ſubſtitute for that which exiſts, whereby the true intereſts of the Public may be manifeſtly and ſubſtantially improved, and permanently ſecured, in uniſon with thoſe of our fellow-ſubjects, the Natives of India, we hope to ſee no changes introduced to ſhake the preſent ſyſtem; and that if any well digeſted plan, ſuch as we have deſcribed, ſhall hereafter be brought forwards, deſerving public approbation, the well known juſtice of Parliament may be relied on for an indemnification to the Eaſt India Company, and their creditors, in conformity with thoſe principles which have ever guided and governed the conduct of the Britiſh Senate, when it has judged it neceſſary to ſacrifice private Rights to public Utility.

It has been ſaid that *the Merchants of Ireland* have a plan for opening a free Trade in the Indian Ocean. Not having ſeen it we forbear to make any comments on that ſubject. She has certainly emancipated and ſeparated herſelf from Great Britain and her laws; and, as far as we are capable of judging, has as much right to try her fortune in the India Trade as any other *foreign nation*. But if her Trade ſhould be carried on with *Britiſh Capitals*, and on the riſque and account of *Britiſh Subjects*, thoſe ſubjects will do well to look to the *Laws and Statutes*, which inflict ſevere penalties on ſuch as have any dealings or concerns with Foreigners of any denomination in the Aſiatic Trade: both they, and his Majeſty's Iriſh ſubjects, will alſo do well to conſider, ere they begin, if their means of carrying on a Trade to ſuch diſtant regions, are more efficient, than were in the power of thoſe other *foreign* Companies or individuals, who, though poſſeſſed of long eſtabliſhed Settlements and Factories, and the other advantages, we have before deſcribed, appear to have been ruined in the attempt. If *Iriſh* ſhips ſtill partake of the privileges of *Britiſh* ſhips as formerly, then will they be liable to ſeizure and confiſcation for trading to India, as Britiſh ſhips are, and the penalties of the law will attach upon their owners and others concerned.

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If they are not deemed *Britiſh ſhips*, then will thoſe concerned, being *Britiſh ſubjects*, incur the penalties of the law, for becoming adventurers in *foreign ſhips* employed in the India Trade.

CHAPTER XIV.

Practical Means of ſecuring to the Private Merchant and the Public, the ultimate Benefits of Trade within the Company's preſent excluſive Limits, without endangering the Chain of our political Connection with India, or materially diſturbing the preſent ſyſtem.

FREIGHT.——The advancement of the India Trade, both Export and Import, ſeems greatly to depend on the attainment of what has been long fruitleſſly attempted, *namely*, a conveyance of goods to and from the *Eaſt Indies at a reaſonable and moderate rate of Freight*, ſuch as may encourage the Manufacturers and Merchants, on their own riſque and account, to adventure therein. It will be difficult for the Directors of the India Company to perſuade the Britiſh Manufacturers that they do not know what is moſt for their own advantage, or that the Directors know it better than themſelves. It is at the ſame time but reaſonable, that the Manufacturers and Merchants ſhould have the liberty of making the experiment they ſo ardently deſire of opening new Channels of Trade for an increaſed Export of Britiſh Manufactures, and that thoſe, who are willing to ſupply the ſhipping, at an eaſy rate, ſhould be encouraged to do ſo. The good effects, which muſt reſult by the carriage of goods *at a reduced and moderate freight*, are very obvious and very numerous. Amongſt other advantages, it will ſecure to us the benefit of the Carrying Trade to and from the Eaſt Indies to a greater extent than we have hitherto enjoyed it, to the excluſion of Foreigners, who have notoriouſly participated in it in an unreaſonable degree: The public Revenue * will become improved, by the duties left on the goods exported from hence: Both the Public and the Company will be benefitted by the ſaving of expence: † The quantity of India goods for foreign markets will be increaſed, and, by the reduced price of the carriage, our competition in the ſale of the productions of Aſia in the markets on the Continent of Europe may become the more ſucceſsful. There is, however, ſome difficulty in effecting this deſirable object, in a mode that may be conſiſtent with the general Freedom of Trade, and the common Rights of Mankind. To make it obligatory upon, and not optional with, the Managers for the Company, to charter ſhips, of a particular deſcription, at the loweſt rates that may be offered, might be thought a conſtraint, degrading on the mercantile character of the Company; might expoſe

* On the Export of ſome of the India Manufactures little more than half the Cuſtoms are returned in Drawbacks, and on ſome others no Drawback is allowed.

† We have before ſtated, that by the Acts of 1781 and 1784, the Public are intitled to three fourths of the nett ſurplus by Trade, as well as Revenue.

them to frauds and perpetual controverſies; might prove injurious to the Commerce itſelf, and might, perhaps, in the end be productive of ſo many unforeſeen *inconveniencies* as to drive the Company to the expedient of building their own ſhips. To preclude them from the power of doing ſo, we are perſuaded can never be intended. And yet ſomething muſt be done, to put an end to the improvident practice, which has but too long prevailed, through the powerful influence of what is called *The Old Shipping Intereſt*, in the extravagant rates given for Freight, to an amount probably of £. 150,000 a year, if taken on a medium or annual average, from the end of the laſt war. The rejected offers at lower rates have been publiſhed, and the prices at which ſhips can be afforded, equally adapted to the conveniency and ſafety of the Trade, both of India and China*, as thoſe which the Company have taken up, are well known. No reaſonable man will wiſh to introduce new plans to the injury of the owners of ſhips already built or employed. The Public, as well as the Company, being doubly intereſted in the effect to be produced by lowering the freight, it ſhould ſeem expedient and uſeful, that ſome of the members of the executive Government ſhould be inveſted with an appellant authority. Care being firſt taken to ſecure the owners of ſhips already engaged from loſſes, we would recommend that the higheſt price of Freight to and from *India*, and to and from *China*, diſtinctly, which ſhall in future be given by the Company, ſhall be fixed by the new Act, as well for time of *war* as of *peace*, leaving to the Company a latitude and option of contracting with any Ship Owners they pleaſe, ſo that they exceed not thoſe prices. Let all perſons be permitted to make their offers of ſhips, upon previous notice of the number and tonnage wanted, to be given by the Company in the London Gazette; and let the Directors be obliged to keep a Book of Orders *for their Affairs of Shipping*, diſtinct from all other buſineſs; in which ſhall be entered the *ſubſtance* of every offer, and the *cauſes* for rejecting ſuch of them as ſhall not be admitted; let this book be open to public inſpection; and if any ſhip owner ſhall think himſelf aggrieved by the Directors, let him have his appeal to the members of the Executive Government, who ſhould be either *the Board for India*, or *the Board of Commerce*, whoſe order, in a ſummary way, might be made concluſive and binding.

EXPORTS AND IMPORTS.—Let all merchants and manufacturers have permiſſion to export, in the Company's ſhips, any goods of *Britiſh* or *Iriſh* produce or manufacture, with an exception only of *ammunition, and military or war-like ſtores, and the heavier articles of marine ſtores*, (both which ſhould, for obvious reaſons, be ever reſerved to the Company,) ſo that notice be given to the Company of the quantity of tonnage, both out and home, at or before a certain day in every ſeaſon, to be fixed in the act. The tonnage *homewards* ought never to exceed the quantity engaged for *outwards*. The *rate of Freight* to be the ſame, which the Company ſhall pay, over and beſides a reaſonable con-

* It being admitted on all hands (as we conceive) that the China Trade cannot be opened, but muſt of neceſſity remain excluſively with the Company as at preſent, we have confined our views entirely to the Trade of the Eaſt Indies, in the Regulations we have ventured to recommend.

 tribution

tribution for the expences of warehoufes, wharfage, fupport of factories and fettlements, &c. &c. which may be put on a footing fimilar to the prefent Private Trade. *One third* at the leaft of this fum ought to be paid down, and a fecurity given for the payment of *the other two thirds* at the fhip's return. The import trade to be confined to fuch *raw materials*, and other articles to be enumerated, as fhall not too much interfere with the Trade of the Company. The Company to be in no refpect liable to actions for *damages or loffes* in refpect to the Private Trade, but their officers and fervants to be liable. All Private Trade to be brought into the Company's warehoufes, and put up to fale *by inch of candle*, as other India and China goods are at prefent. An *appeal* might be given to the fame Board, as is propofed in the cafe of freight, to fettle or adjuft any difputes that may arife under this head.

PRIVATE AND PRIVILEGED TRADE.—Let this remain on its prefent footing, with the fingle variation in the mode of payment of the Company's Duty of £. 7 per cent., which fhould be converted into a Tonnage Duty, and paid by the parties, without any regard to the *quantity or value* of the goods imported, as a means of effectually deftroying the temptation of *running* the goods, to avoid the payment of that duty.

FACTORS.—Let the Company be obliged to licence any reafonable number of perfons to refide at their Settlements abroad, for the management of the concerns of *private merchants* trading thither, on their entering into covenants fimilar to thofe of licenfed Free Merchants. This matter alfo may be fettled by appeal, if the Directors and the Merchant fhould difagree.

DIVIDENDS OF THE PROPRIETORS.—As the Company's property muft ever be at hazard, to a very large amount, it feems highly reafonable and juft, that their *Dividends* fhould bear fome moderate proportion to the net income of their own Landed Property in India, and to their Profits of Trade; and this the more efpecially after the latter fhall have been opened to the extent propofed, for the benefit of the private Trader. The Company are alfo in a great meafure refponfible for the Adminiftration of the Government abroad, and the due collection of the Dewannee Revenues; what furplus they afford, or a great fhare of it, is intended to be drawn home to this Country, through the medium of the Company's Commerce. It has been fhewn that after every allowance whatever, and after bearing the due proportion of the expence of the general defence of Britifh India, the Landed Eftates and Cuftoms properly belonging to the Company may produce a net income of £. 250,000 a year at the leaft; which with the net annual profits of their Export and Import Trade, after making fome allowance for the injury it may be fuppofed to fuftain from the private Merchants, may be fairly rated at *One * Million Sterling per annum*, clear of every charge

* Landed Revenues — — — —	£. 250,000
Export and Import Trade (as before explained, page 33 and 35.) —	700,000
Private and privileged Trade — — —	70,000
Annuity — — — —	38,000
	1,058,000
Allow for leffening of profits by the Trade of Private Merchants —	58,000
The Company's own Income clear	£. 1,000,000
Dewannee Revenue —	£. 750,000
Total	£. 1,750,000

G whatever,

whatever, unlefs indeed the expence of *Infurance* were to be calculated, which is not done, becaufe the Company are their own Infurers.

It is pretty well known *now*, with refpect to the Debts owing in India, that the greateft part is due *to the Natives*, which accounts for no more of it having been drawn home upon the Transfer Plan. It is evidently wife and politic to leave a confiderable debt amongft the Natives, at an annual intereft. If the Revenues produce a net furplus of £. 1,100,000, they will afford *one million a year* to be drawn home by inveftment of goods, over and befides the produce of our own Exports, and Certificates given to the officers of the Company's fhips, payable in England, and leave enough to accumulate in the Treafuries in India, either as a fund for the fupport of wars, when they fhall be inevitable, or if it be thought better, the overplus may be applied as a finking fund for the the difcharge of the debt there.

Thus will there be £. 1,750,000 *per annum* brought into this country, which, if divided according to the acts of 1781 and 1784, and the fubfequent acts for the increafed capital, would ftand thus:

		£.
A dividend on five millions, at 8 per cent. — —		400,000
The furplus left would be — — — —		1,350,000
One fourth of that fum would belong to the Company, being — — —	£. 337,500	
And *three fourths* to the Public, being —	£. 1,012,500	
		1,350,000

But before the Public are to participate in this fund, thefe acts provide, that the Bond Debt fhall be reduced to £. 1,500,000, and Bills of Exchange to £. 300,000. Provifion might be eafily made out of this immenfe income for fuch reduction, without poftponing the whole of its benefit to the Public or the Company to a future time. Each might contribute its due proportion, to be fet apart as a finking fund, for the reduction of the debts, and ample means would be left of adding to the public revenue, and to the Proprietors dividends. The Exchequer might be content with receiving £. 450,000 a year, and the Proprietors £. 150,000 a year in additional dividends, until thofe debts fhall be reduced to their proper ftandard, which the remaining fund would effect in a fhort fpace of time. Thus might the dividend be extended to *Eleven* per cent. and according to the income by revenue, and profits of Trade, beyond thofe fums, fo fhould be the proportionate future payments to the Public, and to the Eaft India Proprietors.

However flattering this conclufion of our labours may appear to our Readers, in favour of the *Public* and the *Eaft India Stockholder*, it is no more, than we are fully warranted to give, by the authentic documents we have had occafion to quote or refer to in the courfe of this work, as well as by our own knowledge of the Financial Concerns of the Company.

POSTSCRIPT.

POSTSCRIPT.

As given in the former Edition in February, 1793.

SINCE the foregoing ſheets went to the preſs, the Company have publiſhed a Statement of their Affairs, to ſhew what will be the probable net annual ſurplus of the territorial Revenues in India, and the profits on their Trade, in times of profound Peace. In forming this Statement, they have not been governed by the medium or average, either of actual receipts or actual diſburſements for any former period, but have given their reaſons for departing both from the one and the other. In conſequence, the receipts are not increaſed, though the new ceded Countries of Tippoo Sultaun are brought into the account, whilſt the probable diſburſements are augmented. The reſult of the whole is, that the probable net Revenues, of the Indian poſſeſſions, including the new ceſſions, are eſtimated only at £.1,621,050, from which £.561,923 per annum is to be deducted for the Intereſt of the Indian Debt, leaving a net ſurplus of £.1,059,127. To this ſum they add £.350,000 a year for the produce of Imports and Certificates in India, making £.1,409,127, from which ſum they take £.1,127,000 for an Inveſtment of Indian Goods, and £.250,000 towards an Inveſtment of China Goods, leaving a ſurplus in India of £.32,127 a year. With theſe aids they compute on ſuch yearly Sales, as with their Annuity, and Profits on Private Trade, will produce a net ſurplus in England of £.1,207,114, after payment of a Dividend of £.8 per cent. on the preſent Capital Stock of 5 Millions, and the Intereſt of their Bond Debt, the expences of Recruits, and all other current charges at home, and the Eſtabliſhment for St. Helena.

The difference, however, between the Surplus, according to the Directors' Statements and our own (theirs being £.1,207,114, whilſt we make it £.1,350,000) ought not, in any degree, to vary or affect the Rule eſtabliſhed by the Legiſlature for its appropriation. If the Public take £.450,000 a year of it, the Proprietors, under the participation ſettled by the Acts of 1781 and 1784, are intitled to £.150,000 a year; and any increaſe to the Public ought to be accompanied by an increaſe of Dividend to the Proprietors of India Stock, after the ſame proportion.

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The Directors, in forming their estimate of the net Surplus, have, from prudential motives, computed on the lowest probable receipts, and on the highest probable disbursements, the surest way of preventing disappointment; while that which we have given, is the result of actual receipts and actual disbursements on the average of three years. The Directors have in particular rated the Sales at half a million per annum less than the Estimate of their own Officers in other accounts before Parliament. They have, however, fairly admitted a prospect of increasing the Surplus, by lessening the Interest of the Debt in India. Under these circumstances, and by the Savings in the Rates of Freight, we trust we shall not be found too sanguine in our expectations, that a Surplus will hereafter be realized to justify our own Estimate of it at £. 1,350,000 per annum. And, indeed, one of the most experienced of the Gentlemen in the Direction, whose prudence and caution will secure us from being misled by any thing he would advance, has publicly declared in Debate, that the Surplus is more likely to exceed than fall short of £. 1,500,000 per annum.

CHAPTER XV.

The Question as between the Crown and the East-India Company, in respect to the Property of the Town, Port, and District of Masulipatam, and also in respect to the Northern Circars, on the Coast of Coromandel, stated and discussed.

THE period of the compact, made with the Public in 1781, whereby the East-India Company were continued for a further time in their Exclusive Trade, as well as in the Government of the Countries acquired in India, being near its expiration, His Majesty's Ministers, with a view of continuing the present system of Government and Administration in India, have recently offered certain propositions to the Company for that purpose, and for making a new partition between the Public and the Company, of the net revenues of the Territories in India, as well of those acquired by conquest, as of those which are the independent property of the Company, and also of the net surplus, arising from the profits of the Company's trade.

The reasonableness of this partition, upon the terms proposed, must depend in some degree on the rateable proportion, which the Revenue of the conquered Territories bears to the Revenue produced by the Company's own proper Estates in India. It therefore seems highly essential, if not absolutely necessary, that means should be used, to discriminate betwixt the Revenues of the Public and those properly of the Company, antecedent to the establishment of any specific appropriation; for unless that is done, the Company must be acting altogether upon conjecture.

The Territories and Revenues of India, may be properly classed under three descriptions. First, Those which the Company possessed, prior to the year 1755, with respect to which their exclusive right has never been questioned, nor can it be in any degree liable to impeachment: The extent of them is known to a certainty, and their income was fully investigated by the Secret Committee of the House of Commons of the year 1772, as will appear upon reference to Third Report of that Committee, wherein their annual produce, for a series of time, will be found amply detailed.

Secondly, The Territories and Revenues ceded to the Company by the Mogul, the Nabob of Bengal, the Soubah of the Decan, and the Nabob of Arcot, by Grants and Treaties after the year 1755. These consist chiefly of the Pergunnahs at Calcutta, the ceded Lands so called in Burdwan, Midnapour and Chittagong, the Town and District of Calcutta, the Town, Fortress, Port and District of Masulipatam, the Five Northern Circars, and the Jagheer Lands at Madras. The property of these may be debated on distinct grounds, each having been acquired by the Company in consequence of the influence resulting from their

Military Eſtabliſhments, and the valour and ſucceſs of their arms after that period.

Laſtly, The Provinces of Bengal and Bahar, and that part of Oriſſa which is terminated on the South by the Cattack Countries belonging to the Maratta States, the Diſtrict of Benares, and the Countries in the Carnatic, and on the Malabar Coaſt, lately obtained by the Treaty with Tippoo Saib. Theſe are claimed on the part of the Public, as the property of the State, on a maxim of Law, that all Territories acquired by conqueſt veſt in the Crown.

Although it ſhould ſeem eſſential to the Company, that their excluſive Claim to each of the debatable Diſtricts ſhould be inveſtigated and finally decided upon, we ſhall, for the preſent, confine our inquiry to the merits of what relates only to the Town, Port, and Diſtricts of Maſulipatam, and to the Five Northern Circars. We have given theſe a preference, from a perſuaſion that in point of Revenue, Extent and Situation, they will be found to be intrinſically of greater importance than any of the others with which they are claſſed; and becauſe, by a full and minute inveſtigation and diſcuſſion of the merits, whereon the legal right to theſe Diſtricts ſeems to depend, it is not improbable, but ſome rule or principle may be eſtabliſhed with regard to all, or ſome of the others.

The magnitude and importance of the queſtion of Right between the Public and the Company, whether as applicable abſtractedly to the Revenues of the Circars, or as eſtabliſhing a precedent in Law for determining the Claims of the Company upon other Territories already, or which may in future be obtained and held upon titles of a like ſort, have induced us to think it more prudent to hazard the imputation of prolixity, in the Statement we are about to give, rather than by curtailing it of circumſtances, which might otherwiſe have been deemed inapplicable, or not pertinent to the merits of the queſtion, incur a charge of partiality or negligence.

For the eaſe of our Readers who may be deſirous of applying the Law to the facts, in the order of their detail, according to the Rights of the reſpective Claimants, we propoſe to arrange our Tract after the following method: Firſt, To ſtate what we conceive to be the legal and acknowledged Rights of the Crown, by virtue of its known perogative, in ſo far as they relate to the preſent ſubject. Secondly, The power of the Crown to transfer its Rights to others. Thirdly, How far the Crown has transferred its Rights to the Eaſt-India Company, or otherwiſe enabled them by Law to acquire, hold, defend and diſpoſe of Lands and Territories within the limits of their Trade. Fourthly, A ſuccinct narrative of the facts and circumſtances which preceded or accompanied the acquiſition of Maſulipatam. Fifthly, A ſimilar narrative in reſpect to the acquiſition of the Circars. And laſtly, We ſhall conclude with ſome remarks on the merits of the Queſtion in point of Law.

Prerogative Rights.

AMONGST the numerous Rights appertaining to the King's Prerogative, arifing to him "from the reafon of the Common Law," (as we find it aptly expreffed in a great * authority) are thofe of making War and Peace; an intereft in his Subjects, and a Right to their fervice; the command of all fortreffes and places of ftrength; fo that none but by the King's Licence can legally build, erect, or fortify a caftle or other place of defence; the fole Coinage of Money; the Property in all Mines of Gold or Silver wherefoever found; the erecting of Courts of Judicature; a general Right of Sovereignty over the Lands of all his Subjects, and a Right to the abfolute Property, as well as Sovereignty over foreign Territories acquired by conqueft, whether it be by his own regular Forces, or by any of his Subjects not trained or fo employed, but acting on their own will; or acquired by Grant or Treaty obtained by Influence of Arms, or even by any Treaty or Grant of Dominion made to any of his Subjects by a foreign Potentate. It is alfo a Right coeval and inherent in the Prerogative of the Crown, to delegate to, and inveft its Subjects with fuch Powers and Rights as may be deemed neceffary to be exercifed for giving vigour and effect to the protection and fecurity of the Empire, the Extenfion of its Dominions, and the enlargement of its Commerce. Neither the Power of Delegation, nor the Right of Granting, has ever, that we can difcover, been denied, or queftioned, or limited, where the known Laws of the Land have not been impugned or exceeded. It was under Delegations of this defcription, that many of our foreign Dominions were obtained; and it is under Grants, flowing from the Prerogative, that our Nobility and Gentry, at this day, derive their titles to their landed Property in the Three Kingdoms. The proprietary Diftricts of America, and the Lands in the Weft India Iflands were thus conveyed; nor is the Crown debarred (that we know of) from alienating any of its foreign Territories, either in poffeffion, or reverfion, or dependent on any expectancy or contingency. The Reftraining Act of Queen Anne, and the Civil Lift Act of His Majefty, are limited to the demefnes and hereditary Revenues of the Crown at home.

Company's Rights.

WITH refpect to the Rights and Privileges of the United Company, it will be found that the Old Company, erected and incorporated by Queen Elizabeth, were legally feized of the Iflands of St. Helena and Bombay, and of fundry Forts, Factories and Settlements, and were alfo poffeffed, and in the exercife of extenfive Authorities and Privileges in India; all which, on the Union of the two Companies in 1702, were transferred to the United Company. Their Union was ratified by Queen Anne, under the great Seal of England, and the

* Staundf. Prerog. Reg. Plowden 314.

Rights and Powers thus conveyed, together with thofe which had been granted to the New Company, have been repeatedly fanctioned by fubfequent Acts of Parliament made on the feveral compacts between the Public and the Company, for the continuation of their Exclufive Trade; on which occafions, the Company paid to the Public fuch pecuniary confiderations, as at the time were deemed adequate in value to the Rights and Immunities purchafed, or agreed to be held and enjoyed by them. Amongft which are thefe that follow:

To be a Corporation or Body-politic, and to have perpetual fucceffion, with ability to hold and retain Lands and Tenements of any kind, nature, or quality whatever, and again to fell, alien, or difpofe thereof; to make Settlements in India, without any limitation in their value and extent; to build Caftles, Forts, Fortifications, or other Places of Strength; to appoint Governors and Commanders; raife, train, and mufter Forces; repel Wrongs and Injuries on their Property; make Reprifals on their Invaders, or Difturbers of their Peace; coin Money, and erect Courts of Judicature. So * ample were the powers for enabling the Company to preferve Difcipline amongft their Military, that they were authorized in all their Settlements, in cafes of Rebellion, Mutiny or Sedition, or refufing to ferve in War, flying to an Enemy, forfaking Colours or Enfigns, or other offences againft Law, Cuftom and Difcipline Military, to ufe and exercife all the Powers of Captain General. And by one of the Charters it was exprefsly declared, that thefe Powers and Immunities fhould extend to all Territories which the Company fhould at any time purchafe or acquire within the limits of their Trade; and by another † Charter it was granted, that the Company fhould have the fole Rule and Government of all Forts, Factories and Plantations, already, or which fhould thereafter be fettled by or under them, and exercife Martial Law therein; and by ‡ another, they are impowered to fit out Men of War in times of hoftility. In thefe Charters and Grants the Sovereignty of the Crown alone is referved.

Under the Rights and Powers thus conveyed, the Company acquired by purchafe from the Moguls, or other of the Native Princes and States, fundry fpots of ground on the Peninfula of India, on which they erected Factories and Houfes of Trade; and for the better defence of their property againft the incurfion of banditti and cafual depredation, they had long anterior to the conqueft of Bengal, fortified the Ifland of Bombay, and their Factories at Madras, Vizagapatam, St. Davids, and on the river Ganges, and garrifoned them with their forces; and in general exercifed the feveral other authorities and privileges derived from their Charters. The mildnefs of their Government within their Factories, the equal adminiftration of Juftice at their Courts, the punctuality and uprightnefs obferved by their Servants in their dealings, the fimplicity of their manners, and their quiet and inoffenfive deportment, endeared them to the Natives, and induced many of the Hindoos to fettle within, or near their diftricts. The Soubahs of the country beftowed on them exemplary marks of their favour, until

* Charter of 27th September, 1669. † 9th April, 1683. ‡ 12th April, 1686.

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at length the Company had obtained Territories which produced in Land Rents and Port Duties, a confiderable income, fufficient at leaft to defray their eftablifhments, as long as they were permitted to obferve a ftrict peace or neutrality amongft the Native States; nor from the firft erection of the Company by Queen Elizabeth, till the accidental Conqueft of Bengal, had the Right of the Company been called in queftion, to acquire, by any means they could devife, Settlement, Territory, or other Property in India for their own benefit. It was the magnitude of that conqueft, which firft excited Public attention, and a general maxim of law, of which, perhaps, no inftance or occafion for its being exerted or acted upon had happened for centuries, if ever, in this Kingdom, was now enforced by Parliament, with a faving however of Rights, fo as to leave the queftion open to litigation at fome future period.

Situation of Mafulipatam and Circars.

Before we proceed in our narrative, it may not be amifs to give the Reader fome idea of the extent, fituation, and income of Mafulipatam and its diftricts, and we cannot do this more fatisfactorily, than by reference to Mr. Orme's Hiftory of Hindoftan. The following is a literal quotation * from his work.

" Thefe † acquifitions added to Mafulipatam, and the Province of Con-
" davir ‡, made the French mafters of the Sea Coaft of Coromandel and
" Orixa, in an uninterrupted line of 600 miles from Medapilly, § to the
" Pagoda of Jagernaut ||. Thefe countries are bounded by a vaft chain of
" mountains, which run nearly in the fame direction as the Sea Coaft, and are
" in moft places about 80 or 90 miles diftant from it, although in fome few not
" more than 30. They are covered with impenetrable forefts of bamboes, and in
" the whole extent there are not more than four paffes which, according to
" Mr. Buffey's account, may be defended by 100 men againft an army.

" The Province of Condavir extends between the River Kriftna and Gon-
" degama, which gains the fea at Medapilly. The limits of the other Four
" Provinces are not exactly afcertained; neverthelefs it appears, that Mufta-
" phanagur joins to the North of Condavir; that Elore lays to the north weft
" of Muftaphanagur; that Rajahmundrum is bounded to the fouth by thefe two
" provinces, and that Chicacole, much the largeft of the four, extends 250 miles
" from the River Godaveri to the Pagoda of Jagernaut. The revenues of the
" Four Provinces were computed at 31,00,000 rupees; of Condavir at 6,80,000;
" and the dependencies of Mafulipatam were fo much improved that they pro-

* Firft Vol. p. 334.
† The Circars of Muftaphanagur, Elore, Rajahmundrum and Chicacole.
‡ Another name for the Guntoor Circar.
§ The northern extremity of the Carnatic on the Coaft of Coromandel.
|| The fouthern extremity of the Mahratta dominions in Cattack, lately under Modajee Boofla one of their chiefs in Orixa. His dominions extend northwards upon the Coaft, to the extent of about 240 miles, where they adjoin to that part of the Britifh poffeffions in Orixa which are under the Prefidency of Bengal.

" duced

" duced this year (1753) 5,07,000, in all 42,87,000 rupees equal to more
" than £.535,000 ſterling per annum. All theſe rents, excepting thoſe of
" Maſulipatam and its dependencies, which ſeemed already to be carried
" to the height, might be greatly improved; ſo that theſe territories ren-
" dered the French maſters of the greateſt dominions, both in extent and
" value, that had ever been poſſeſſed in Hindoſtan by Europeans, not ex-
" cepting the Portugueſe when at the height of their proſperity; nor were
" commercial advantages wanting to enhance the value of theſe acquiſitions;
" for the manufactures of cloth, proper for the European markets, were made
" in this part of the Decan of much better fabrick and at much cheaper rates
" than in the Carnatic. In Rajahmundrum are large foreſts of teak trees, a
" wood in every reſpect equal to oak, and produced in no other part of the
" Coaſt of Coromandel and Orixa. Chicacole abounds in rice and other grain,
" of which great quantities are exported every year to the Carnatic."

And ſpeaking of the Soubah's propoſals to the Madras Government in 1756, for their aſſiſtance againſt the French in the Decan, he ſays,* "Nothing could
" be more acceptable to the Preſidency than this invitation; for ſince the diſ-
" appointment of the expedition which the Company had projected to be
" carried on from Bombay, they deſpaired of having another opportunity of
" ſtriking at the French influence in the northern parts of the Decan, on which
" nevertheleſs the very exiſtence of the Engliſh, on the Coaſt of Coromandel,
" ſeemed to depend.

Monſieur Dupleix, ſpeaking of the nature of the Soubah's laſt grant, to Mr. Buſſey, in his famous Memoir ſays, "I perſiſted in demanding the four beau-
" tiful provinces of Ellore, Muſtaphanagur, Chicacole, and Rajahmundry,
" which ſuited us in every reſpect, and I obtained them. They were given in
" full ſovereignty to the Company, at the charge of keeping with the Nabob, a
" body of French troops, after the manner of the Mogul Lords or Mahrattas,
" to whom the Emperor or the Nabob grants Jagheers."

Narrative of the Acquiſition of Maſulipatam and its Dependencies.

The war which broke out between France and England in 1745, ſoon ſpread itſelf to India, where the Companies of the two nations had raiſed native corps of troops, and ſacked or beſieged the Settlements of each other. Advices of the peace, concluded in 1748, reached India juſt at the time of our raiſing the ſiege of Pondicherry. The Britiſh ſquadron, under Admiral Boſcawen, ſoon returned to England; but neither of the Companies diſcharged their troops. Chunda Saheb, competitor with Anawarden Caun, and afterwards of his ſon Mahomed Ally, for the Nabobſhip of Arcot, had agreed to take thoſe of the French into his pay, and they waited his arrival in the Carnatic to be united with his army. It was not long after this period that the two Companies became auxiliaries on oppoſite ſides to theſe rival Chiefs.

* Firſt Vol. p. 434.

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The Carnatic forms part of the Mogul Empire, conſtituting one of the Provinces, or a Nabobſhip of the Decan, which had been long governed by the Soubah Nizam ul Mulk, as the Viceroy of the Mogul. To him belonged the nomination of the Nabob. On the death of that Soubah in 1748, different competitors, his ſons or deſcendants, had laid claim to the Government of the Decan; the Mogul was not in ſtrength to interpoſe his authority with effect; otherwiſe there can be but little doubt but the Nizam's eldeſt ſon, Ghazi ul Dien, who was at that time the principal Miniſter to the Mogul at Delhi, and had been named as ſucceſſor to his father in the Government of the Decan, would have been eſtabliſhed in it. Nazir Jung, another ſon of the late Soubah, (but ſtiled by the French a baſtard) and who at that period commanded his father's army, had taken poſſeſſion of his immenſe treaſures, and pretending that Ghazi ul Dien had ceded to him the Soubahſhip, (preferring a reſidence at the Court of Delhi) he aſſumed the reins of Government, keeping his three younger brothers little better than his priſoners; whilſt Muzafa Jung, a favorite grandſon of the deceaſed Soubah, claiming the right, under a pretended will of his grandfather, appointing him his ſucceſſor, raiſed an army in the Country weſt of Golconda, and claimed the Soubahſhip.

Such was the ſtate of parties and of the country when a ceſſation of hoſtilities between the two Companies took place in 1749. It was about this time that Chunda Saheb and Muzafa Jung had united their Forces under a ſolemn ſtipulation, never to ſheath their ſwords 'till the one was put into compleat poſſeſſion of the Carnatic, and the other eſtabliſhed in the Government of the Decan. They ſoon after fought the famous battle of Amboor, where the ſuperior diſcipline of the French army overcame all obſtacles, and obtained a deciſive victory for their employers over Anawarden Caun, Nabob of the Carnatic, who was himſelf ſlain, and his eldeſt ſon Muzafa Caun taken priſoner; Mahommed Ally his younger ſon, the preſent Nabob, narrowly eſcaping the ſame fate.

Muzafa Jung was immediately proclaimed Soubah at the head of his victorious army, and Chunda Saheb declared Nabob of the Carnatic. The Engliſh forces had not hitherto interfered in theſe diſputes, but the news of the victory, and the preparations making by the French and their allies for extending the influence of their arms through the Decan, brought down the Soubah Nazir Jung into the Carnatic; nor did he ſtop 'till he encamped with his army at Velſtour, within a ſmall diſtance of Pondicherry, where he was met and oppoſed by that of his nephew and his auxiliaries. The Madras Government, now perceiving for the firſt time with certainty, that Nazir Jung was the actual reigning Soubah, they ſent Meſſrs. Lawrence and Dalton, with a ſmall corps of Engliſh troops to pay him their homage; they were received with politeneſs, and permitted to encamp near him. A parley took place between the uncle and the nephew, which naturally occaſioned alarm to the French, leſt by a reconciliation the Native Chiefs ſhould unite their forces and turn their arms againſt them. They therefore ſuddenly withdrew themſelves from the camp, and retired towards their own Settlement. It was in vain that Chunda Saheb endeavoured to diſſuade Muzafa Jung from liſtening to the propoſals of his uncle. That Chief therefore

withdrew

withdrew himſelf to Pondicherry, and the infatuated nephew, allured by the ſolemn proteſtations of the Soubah, both of affording protection to his perſon, and of placing him in the Government of certain Provinces of the Deccan, proceeded to the Soubah's tent; where, in violation of the ties of honor, juſtice, and his pledged faith, the Soubah inſtantly loaded him with irons, and falling ſuddenly on his unſuſpecting adherents, both they, and ſuch of the French as could be overtaken were miſerably butchered.

At this period neither the Engliſh nor French poſſeſſed any thing more at Maſulipatam than their Factories or Houſes of Trade. The French, ſenſible of the importance of that Port for the purpoſes of commerce, had obtained a promiſe from Muzafa Jung of a grant of it with its dependencies, a circumſtance which probably had reached the ears of Nazir Jung; for ſhortly after the affair at Veldour, he cauſed his Officers to ſeize the French Factory and effects at Maſulipatam, though it does not appear he meddled with any other, (for they had other Factories in his dominions); and Dupleix, highly exaſperated at this act of tyranny over the private property of innocent and helpleſs individuals, vowed ſevere vengeance.

The Soubah with his army took up his reſidence at Arcot for the Monſoon. In the mean time Chunda Saheb and Dupleix were indefatigable in their preparations for war. Before the Soubah began to ſtir, they made themſelves maſters of Gingee, and alſo of Maſulipatam, and appeared in ſuch force in the Carnatic, that the Soubah, as the condition of being permitted quietly to withdraw himſelf from its confines, found it prudent to grant to the French the abſolute property of Maſulipatam and its dependencies; and to make them other conceſſions. He however ſtill kept Muzafa Jung a priſoner, which Dupleix highly reſenting, found means to corrupt certain of the Patan Chiefs, who formed the body guard, and agreeably to a plan concerted, the French attacked his camp by ſurprize, when the unfortunate Soubah, quitting his tent, fell a victim to French treachery, and the villainy of his own people. His head having been expoſed, Muzafa Jung was taken from priſon, and proclaimed Soubah by the unanimous voice of both armies; and one of the firſt acts of the new Soubah, in gratitude for his releaſe and advancement, was to confirm the grant of Maſulipatam, with its dependencies, to the French. According to Mr Orme, they were to be held in vaſſalage; though, if we may credit the relations of Mr. Buſſey and Mr. Dupleix, they were granted in compleat ſovereignty for ever.

In the Appendix to Mr. Dupleix's celebrated Addreſs to the French Nation, will be found an accurate account of the revenue produced from Maſulipatam, diſtinct from the places dependent on it, as well as from their ſubſequent acquiſitions in the Northern Circars. If they had been otherwiſe before, it is evident that, from this time at leaſt, Maſulipatam and its dependencies formed a diſtinct diſtrict from the Five Circars, producing a revenue of about £.38,000 a year.

A few months had only elapſed before Muzafa Jung alſo fell a ſacrifice to the treachery and avarice of the ſame Patan Chiefs, who had aſſaſſinated his uncle. Three other of his uncles, Salabut Jung, Nizam Ally, and Bazalet Jung, had been continued priſoners in his camp. Mr. Dupleix ſet them at liberty, and raiſed Salabut Jung, the eldeſt of the three, to the Muſnud of the Decan; and for a conſiderable time after, the influence of Mr. Dupleix wholly prevailed over the Councils of the Soubah. His perſon was conſtantly guarded by the French ſoldiers, who fought and conquered by his ſide in ſeveral conflicts with the Mahrattas; the French commanders dictated the terms of the ſucceſſive conventions, for ſuſpenſion of hoſtilities; and in 1753, they planned the triumphant entry of the Soubah into his capital of Aurungabad, where he rewarded the French Company with grants firſt, of the Guntoor, and ſoon afterwards of the other Four Circars; and although by an invitation of Jaffeer Ally, one of the diſcarded Zemindars in the Circars, ſome of the neighbouriug Mahrattas broke in and devaſtated the moſt fruitful parts of the country, they ſoon retired, and in 1754 the French were left to enjoy, without interruption, the fruits of theſe valuable acquiſitons.

The Company's troubles in the Carnatic and in Bengal, at the time of the rupture in 1756 with France, had obliged them to weaken their little garriſon at Vizagapatam. The Fort and Factory at that place, and alſo Madepollam, Bandermalanka, and Ingeram, fell an eaſy prey to Mr. Buſſey, and the forces he kept in the Circars. In the mean time, by the intrigues of Nizam Ally, and Bazalet Jung, aſſiſted by Shanaveſe Khan, their brother's Duan, the influence of the French became weakened at the Soubah's Court. The French detachment however ſtill accompanied him, and moſt probably ſaved his life, at the time the two brothers poſſeſſed themſelves of his Seals of State, and aſſumed to themſelves the reins of the Government, which, however, they adminiſtered in his name. This revolution muſt have have happened about the time of Buſſey's capture of the Engliſh Company's Factories. He had no ſooner accompliſhed that object, than he haſtened, with what force he could collect, to the aſſiſtance of Salabut Jung at Aurungabad. It conſiſted of 700 Europeans, 500 Sepoys, and 10 field pieces; and though at his arrival he found the Soubah ſurrounded by three armies under the command of his two brothers, to whom he could be conſidered as little better than a priſoner, he ſo managed as to procure the Seal to be reſtored. Nizam Ally, unable to brook what he feared openly to reſiſt, but reſolving in ſome degree to avenge himſelf for what had happened, procured the aſſaſſination of Hyder Beg, (the new Miniſter) impoſed on his brother by Buſſey, and then fled to Brampour. The friends of Hyder Beg immediately revenged his death by the murder of Shanaveſe Khan, and his ſon Mahommed, the Emperor's Duan, and all their adherents; ſo that Buſſey was again left to direct the Councils of the Soubah. He was, however, ſhortly after called to Pondicherry with his forces for the relief of that place then beſieged by the Engliſh Company. He quitted the Soubah, leaving a force for the defence of Maſulipatam and the Circars.

After the death of Vizeram Rauze (the Zemindar who had ſuperceded Jaffeer Ally in the Rajahmundrum Circar, and who had alſo been manager for that of Chicacole) Buſſey had impoſed ſuch new arrangements and conditions on his nephew and ſucceſſor the Rajah Anunderawze, as to excite his reſentment. He therefore took the opportunity of Buſſey's departure to avenge the ſuppoſed injury, and to recompence himſelf by ſeizing on the garriſon of Vizagapatam. Fearing his own ability to retain it, he ſent advice of what he had done to Madras, offering a ſurrender of it to the Company. He afterwards made a like offer to the Preſidency of Bengal, propoſing to join his forces with any detachment they ſhould ſend for driving the French from the ceded provinces. Lord Clive accepted of the offer, and immediately re-eſtabliſhed the Engliſh Factory at Vizagapatam. He likewiſe ſent 500 Europeans, and 2500 Native troops, under the command of Col. Ford, to unite with the Rajah againſt the French. It was agreed between the Colonel and the Rajah, that all plunder ſhould be equally divided, that all the inland countries which ſhould be conquered ſhould be delivered to the Rajah, who was to collect the revenues; but the ſea ports and towns at the mouth of the rivers, with the revenues annexed to them, were to belong to the Engliſh Company; no treaty for reſtitution was to be made but by mutual conſent; and the Rajah was to ſupply half a lack of rupees monthly for the expences of the troops; and 6000 rupees, to commence from their arrival at Vizagapatam, for the particular expences of the officers.

In December 1758, the united forces gained a complete victory over the French commanded by M. Conflans, who retreated firſt to the city of Rajahmundrum, and afterwards to Maſulipatam, followed by Colonel Ford; and the campaign ended with the ſiege and capture of that place by ſtorm, in April 1759.

The tardineſs of the Rajah in bringing forward his troops from Rajahmundrum to Maſulipatam, and his backwardneſs to advance the money for the detachment, had induced Col. Ford to agree to the following variation in the agreement which had been made with him in the preceding November, (namely) that whatever ſums the Rajah might furniſh, ſhould be conſidered as a loan; and that the revenues of all the countries which might be reduced on the other ſide of the Godavery, excepting ſuch as belonged to the French, either by eſtabliſhment or grant in propriety, ſhould be equally divided between the Rajah and the Engliſh.

Whilſt Colonel Ford was before Maſulipatam, the Soubah, at the entreaty of Conflans, brought an army into the Circars, of ſuch a force, as united with the French, might have eaſily raiſed the ſiege, and compelled the Engliſh detachment to have laid down their arms. The Soubah, however, neither joined the French nor interrupted Col. Ford, but encamped about 40 miles from the fort, waiting the event of the ſiege. All he did was to call upon the Rajah and the Zemindars, that were with Ford, to repair as his vaſſals to his ſtandard; and it was not without difficulty they were prevailed on to diſregard the ſummons. Some part of the French forces, after their defeat, had ſeparated from

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thofe who took refuge in Mafulipatam, and being formed into a fmall army of obfervation, were encamped at no great diftance from the Soubah. Colonel Ford perceiving his danger, and in defpair of efcaping, planned the bold effort of ftorming the fort, though with little expectation of fuccefs: To amufe the Soubah in the interval, he fent Mr. Johnftone to pay him his homage, which the Soubah took in kind part, and received him in his camp. On the place falling into the Colonel's hands, the Soubah advanced within 15 miles of the fort, and the Rajah and Zemindars not doubting but the Soubah intended to reduce it, feparated from the Englifh and retired into the country; but Salabut, after fome conference with the commander of the French army of obfervation, agreed to receive Colonel Ford in his tent, and to grant him certain requefts, and to fwear to the performance of them.

This engagement has been treated as a grant, and erroneoufly confidered as the foundation of the Company's title to the Five Northern Circars. It may, however, admit of a doubt, whether aided as it was by the Soubah's oath for its obfervance, it had the efficacy of a grant or treaty. The power of the Soubah to make any grant of, or to alienate a part of the Soubahfhip, is in the firft place very queftionable. Secondly, He had already granted the fame diftricts to the French. Thirdly, The Sunnuds promifed by it, and which by the Conftitutions of the Empire (admitting the power) would be a mere nullity, unlefs paffed under the Seal of State accompanied by a variety of ceremonies and regifterations, do not appear to have been ever obtained. Fourthly, In military or feudal tenures, (and this at beft could be confidered in no other light) a new inveftiture becomes neceffary on every change of the fupreme power who makes it, fo, that in no event could the Sunnuds have been valid beyond the life or removal of Salabut Jung. And laftly, the requeft extended only to a diftinct part of the Circars. The form in which the Soubah's engagement is printed by the Company, differs materially from, and is far more extenfive in refpect to the territories defcribed in it, than what is given as the agreement by Mr. Orme; his again far exceeds what the Madras Government, at the time, defcribed to be the extent of it, in their advices to Bengal of July 1759. The Company's printed copy contains a promife of Sunnuds, for giving to the Company the Circar of Mafulipatam with eight diftricts, and the Circar of Nizampatam, and the diftricts of Condavir and Wacalmanner, in the fame manner as was done to the French. Mr. Orme defcribes the grant to be of the whole territory dependent on Mafulipatam, with eight diftricts and jurifdiction over the territory of Nizampatam, and the diftricts of Condavir and Wacalmanner, all which were to be held without the referve either of fine or military fervice. The Governor and Council of Madras, immediately after the communication to them by Colonel Ford of his interview with the Soubah, defcribe the grant to be no more than "of the port of Mafulipatam, with the "dependencies thereto belonging;" recommending it to Lord Clive to obtain a confirmation of it from the Mogul, or at leaft a renewal of the Company's old Firmaund for Divi Ifland, and their factory in the town of Mafulipatam. Whatever

ever might be the extent, it is evident that the port, town, and citadel of Masulipatam were all that the Company retained. The Circars at large, were left in the Soubah's possession as their immediate superior, under a promise that Anunderauze should be continued in the management of the Chicacole Circar, upon the terms which his ancestors had held it from the former Soubahs. Colonel Ford with the English forces were soon after withdrawn from the Circars, a very small number only being left in the garrison; and so far were the Company from retaining the possession of any thing beyond the port and town, and dependencies, that it appears that so early as June 1760, Nizam Ally, who, in consequence of his brother being deserted by the French, had assumed the Soubahship, visited the Circars, and was attended at Rajamundrum by Mr. Alexander, the Chief of Masulipatam; where he urgently requested a body of the Company's troops to act against the Mahrattas; offering to pay one lack of rupees monthly, and if they beat the Mahrattas, and dispossessed them of the country belonging to him, he would then agree to give the English the Circars of Rajahmundrum, Ellore, and Mustaphanagur; and that, on the proposal not being accepted, he had left those Circars under the management of Hussein Ally, and had granted the Guntoor or Condavir Circar, in Jagheer, to his brother Bazalet Jung; continuing Vizeram Rauze (son of Anunde Rauze) in that of Cicacole; and in a letter from Madras of April 1766, it is expressly said, that after Colonel Ford had taken Masulipatam, and put an end to the authority of the French in the Decan, all the Five Circars were restored to the dominion of the Soubah.

It is observable, that Salabut Jung's first grant to the French was of Masulipatam only. Mr. Orme has given us the income of it, distinctly from that of the Circars. It was the only part of the country which the Company retained from 1759, till they obtained the grant of the Circars in 1765. From these circumstances it is pretty evident, that Masulipatam was considered as a district of itself from any of the Circars, or perhaps as forming a Sixth Circar. The other Five take their names from the capital of each. Condavir or Guntoor from the towns bearing those names. Ellore from that town, and so of the rest. And hence it was that Hussein Ally's authority over Ellore, as the manager or renter thereof to the Soubah, might be perfectly compatible with the Company's enjoyment of Masulipatam.

From these facts we think ourselves warranted in the following conclusion (namely) that the distinct district of Masulipatam, with the fortress and port belonging to it, were obtained BY CONQUEST; and from the moment of the capture of the fort by Colonel Ford, they became vested in full and intire property as well as sovereignty in the King; and at this day continue the estate of the Crown, to be kept or granted as His Majesty may think fit.

Should it be objected that because Masulipatam had been held by the French as a fief of the Indian Empire, and that the change of hands could not alter the

the rights of the Mogul or his Soubah, as the paramount lords, we are ready to admit that the King, by his prerogative, muſt of neceſſity be the *ſummus dominus ſupra omnes* over all territories held by him; that lands in his poſſeſſion are free from every tenure; that he can neither be a joint tenant with another, nor hold of another. But with this admiſſion, and though in fact the Soubah had taken no part in the hoſtilities between the Engliſh and the French, yet we conceive that the levying war in the Decan againſt the French, they being feudatories of the Soubah, muſt, to every legal intent, be held as levying war againſt that power alſo; and that by the conqueſt, the ſovereignty as well as the ſoil became inſtantly annexed to the Crown of England. If the French had themſelves the ſovereignty, the legal effect would have been the ſame. The ſubſequent agreement by Col. Ford with Salabut Jung, could not change or vary the nature of the King's title to Maſulipatam once acquired, nor under the Charter of 1757 could the Company reſtore it, becauſe they were reſtrained from ceding back any acquiſitions belonging to the European ſtates. The treaty of Peace, in 1763, completely eſtabliſhed the right of the King; the French having thereby renounced all their acquiſitions on the Coaſt except their Factories, which alone were reſtored to them.

The Acquiſition of the Circars.

THE new Soubah Nizam Ally, derived his right to the Government of the Decan under a grant from the Mogul; he was preſſed on all ſides by the armies of the Mahratta States and of Hyder Ally, and was in the utmoſt diſtreſs both for money and ſuccours. He appears from the firſt commencement of his acceſſion, to have anxiouſly courted our alliance, as the ſureſt means of furniſhing himſelf with protection againſt the French, whom he both feared and had offended, and againſt the ambitious views of his troubleſome neighbours. We have already ſeen that he made his firſt overtures to Mr. Alexander at Rajahmundrum in 1760, immediately after he had depoſed his brother. In 1761 he repeated them, with an earneſt deſire to be aſſiſted with troops, and an offer of the Circars by way of ſubſidy. At this period it would on many accounts have been deſirable for the Company to have complied; but the period was critical, and European forces could not be ſafely ſpared. In the mean time many of the Zemindars and Renters in the Circars, taking advantage of the weakneſs of the Soubah's Government, and the unſettled ſtate of the Decan, had become refractory, had with-held their tribute, and had bid defiance to the authority of Huſſein Ally the Soubah's manager; and to render the anarchy the more general, the more powerful of the Zemindars had waged war againſt each other. Unable to ſend aſſiſtance from Hydrabad, the Nizam, in the autumn of 1762 deputed his Miniſter Huſſein Ally, to the Preſidency of Fort St. George, with *grants or ſunnuds* for the Four Circars in the nature of a ſubſidy, again repeating his requeſt for a European force. The war with Spain had been juſt commenced, and the expedition againſt Manilla undertaken, ſo that the Madras Government were unable to comply. They, however, did not chooſe to hazard the giving the Soubah offence,

offence, by an abrupt rejection of the Sunnuds, nor a positive refusal, fearing he would admit the French again to their possession of those districts; pressed by Hussein Ally to lend him a small body of Native troops to support his authority in the Circars, and persuaded that it was the general disposition of the Zemindars and Renters, to submit to any reasonable proposals if sanctioned by the Company's authority, and that their name alone would go far in drawing them back to their allegiance, the Madras Government, with Hussein's consent, proceeded to publish the Sunnuds in the Circars, and though no force was used, the Zemindars and Renters came immediately in and settled for their rents with Hussein Ally and the Company's civil officers. It appears however, that a small body of Sepoys was sent from Madras to Masulipatam, to have enforced obedience to the Sunnuds if it had been found necessary. But the submission of the Zemindars was spontaneous and immediate, and it does not appear that these Native troops had occasion to stir from their place of landing.

In the mean time the Soubah despairing of our assistance, found means to appease, in some degree, the Mahratta army. Full of resentment at the conduct of the Company, for their breach of the confidence he had reposed in them by the publication of the Sunnuds, without a compliance with the condition annexed to them, he meditated revenge both on the Company and on his own Minister. The Madras Government therefore submitted to restore both the Sunnuds and the country; and as soon as the expences of the troops had been discharged, they were withdrawn. The Nabob of Arcot interposed his mediation with the Soubah for his forgiveness of Hussein Ally, who by dint of a large present lent for the purpose to Hussein by the Nabob, or advanced by the Company's servants, was reinstated in his master's favor; and, recovering his former influence, he returned into the Circars, cloathed with efficient powers for the Government of those districts.

No sooner had the Company withdrawn their succours, than the Zemindars and Renters again fell from their allegiance to the Nizam, who finding that nothing but the Company's influence could keep his subjects there in any degree of subordination, now came forward with a direct requisition for their assistance, and an agreement being settled for the subsidy to be paid for their hire, wherein the charge of the garrisons of Masulipatam and Vizagapatam was included, a body of forces with artillery was again sent from Madras upon that service, and they no sooner made their appearance, than all the Zemindars and Renters quietly submitted; order was restored, and Hussein Ally's authority was fully re-established.

The French had lately returned to their factories on the Coast, and a general rumour prevailed that they were preparing to re-assume their possessions of the Circars under the article in the treaty of Versailles for mutual restoration *; the French ministry having refused, as it was said, to admit the propositions of the Duke of Bedford, relating to India into the final treaty.

* The affairs of India had escaped notice 'till some time after the preliminaries were signed.

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Although this report had no foundation in fact, it neverthelefs, for the time, was believed, and gave great alarm to the Company's fervants; who, well knowing that if the French were to be re-eftablifhed in their authority and influence in the Decan, former contentions would inftantly be renewed, came to the refolution in any event, of refifting any attempt that might be made for that purpofe. At the end of 1764, they opened a new negociation with the Soubah for a grant of the Circars, upon payment of a ftipulated fum annually. They knew that he had hitherto realized but a trifling income from that part of his dominions, and they flattered themfelves that as the Zemindars had ever refifted his authority, while they had fhewn an anxious difpofition to remain under the Company's protection, the Soubah might be induced to yield to their application, at a rent inferior to what the Zemindars could afford, and were willing to pay to him. In their firft overtures they offered him five lacks of rupees for the firft year; ten for the fecond; and fifteen every year after. But fo great was their anxiety to feclude the French, that without waiting the event of their firft offer, they fent a fecond meffenger with a new one, of a prompt payment of five lacks, and to give fifteen lacks per annum from the commencement. The Soubah ftood for twenty lacks, which exceeding the authority given to treat upon, was rejected; whereupon the Nizam immediately granted a Sunnud of them to Huffein Ally, at that or fome other large rent, as we have before obferved. The zeal of the Madras Government to obtain poffeffion of the Circars, kept pace only with the inftructions from the Directors and the advice of Lord Clive. The difficulty was how to affect it without a rupture. The Company had in 1762, 1763, 1764, and 1765, repeated their earneft wifhes to obtain them, but at the fame time deprecated new wars and troubles, and in particular cautioned their fervants how they infracted the treaty of peace, even in the event of the French procuring a new grant of the Circars; and in fome of their letters they expreffed their concurrence to any agreement with the Nizam, though attended with an engagement to furnifh him with the forces he wanted, if weighty reafons or the neceffity of the cafe fhould require it. Lord Clive was in the mean time anxioufly contemplating on the means of effecting the favorite plan he had formed, of uniting our poffeffions on the Coaft with thofe in Bengal. The reluctance of the Soubah to accept the Company as his tributaries on reafonable terms, with the abfolute neceffity there appeared for fecluding the French, drove that able commander to folicit a grant from the Mogul, conveying to the Company the intire property of the Five Circars; and in 1765 he obtained it. At the time of the grant reaching Madras, the troops we had lent to the Nizam were ftill in his pay and fervice in the Circars, and the Madras Government, with the concurrence of Lord Clive, came to the decifive refolution of availing themfelves in any event of the grant. Their forces were already on the fpot to maintain or enforce the claim. War however, was if poffible to be avoided; treachery, chicane and bribery were fubftituted as the fafer inftruments. Huffein Ally, the manager for the Soubah, was in the firft inftance dealt with, and fuccefsfully, to betray the interefts of his mafter, and for the promife of a Jagheer (which was actually fettled on him afterwards by the Company) and a promife of fupport

and

and protection, and also of being continued in his rentership, he agreed to act with the Company. A very small additional force to what was already there, was then sent into the Circars The 500 Native troops under Ibraham Beg the Soubah's military commander were, by the management of Hussein Ally, inlisted into the Company's pay. Vizeram Rauze was also brought over by assurances of lessening his rents, and having traiterously delivered up the Forts of Rajahmundrum and Cossim Cotah, which had been in his charge, he retired to his own Circar of Chicacole. In the mean time a deputation was sent to Hydrabad, again to offer terms of becoming tributaries for the Circars to the Soubah, who was as yet a stranger to the grant of the Mogul. The Fort of Condipilla was deemed a necessary possession to cover the principal pass from Ellore to Hydrabad; and, while the deputies were negociating with the Nizam, General Calliaud seized upon it. This place is situate between the mountains bordering on the Ellore district, and was taken by storm; four Sepoys being wounded upon the occasion. This was most probably a devise concerted to create a panic in the Nizam; for by the agreement then subsisting, our troops were to have possession of any of the Soubah's Forts as the means of subjecting the inhabitants, and Hussein Ally was sole governor. So little was the resistance at this Fort, that if there was any, it was deemed too trifling to be worthy of notice by the commanding officer in his letters of the time mentioning the capture of it. The Mogul's Sunnuds were now published, and every Zemindar immediately acknowledged the Company as their sovereign. After a slow and tedious negociation at Hydrabad, and by dint of money advanced to the Soubah and presents to his * ministers and officers, his own grant of the Circars was obtained for the Company at a rent or annual tribute or gift of nine lacks of rupees, and under an engagement to furnish a body of forces when called upon; and thus was the Company firmly established in the possession of the Circars, except of the Guntoor, for which they were to wait either the death of Bazalet Jung or his breach of faith, in either of which events the Company were to have the possession of that Circar also; and in the interval two lacks of the rent was to be abated. The Nizam reserved to himself the diamond mines and the villages near them, and also the Kildarry and Jagheer of Condapilly.

It had been agreed that our troops should join those of the Nizam and the Mahrattas, and proceed to the conquest of Hyder Ally's dominions. The troops were accordingly sent, and they remained with him some months; but Hyder by a large bribe brought the Soubah over to his own purposes, and our troops were in consequence withdrawn. Before they quitted the Nizam, a promise was obtained that the tribute (for so it is called) of two lacks per annum for the Chicacole Circar should be relinquished; and in July 1767, the Soubah gave a Sunnud for the remission of it. In August following the Nizam threw off the mask, and openly joined Hyder's army at Bangalore; from whence their

* One lack was given to the chief minister, half a lack to the second, and presents to the inferiors.

horse

horſe made excurſions and ravaged the Carnatic as far as Arcot. In September, Colonel Smith drove them from the Carnatic, and in December following, the Nizam ſeparated from Hyder Ally, and ſoon afterwards confirmed, by a new treaty the Mogul's grant of the Circars, and alſo his own Sunnud for the remiſſion of the tribute for Chicacole, reſerving the other tribute of five lacks, and two more for the Guntoor Circar, payable only when poſſeſſion ſhould be had; agreeing alſo to allow out of thoſe tributes 25 lacks of rupees for the expence of the war.

After the death of Bazalet Jung, Lord Cornwallis liquidated all accounts with the Nizam, and obtained poſſeſſion of the Guntoor. The Company paid him a large balance for arrears, and entered into engagements for the regular payment of the whole annual tribute of ſeven lacks.

In deciding the queſtion of right to the ſoil and revenues of theſe Circars, under the peculiar circumſtances by which they were obtained, it is neceſſary to have recourſe to firſt principles; for the right of ſovereignty in the preſent caſe ſeems equally diſputable with the right of ſoil. The reaſon or principle whereon a right attaches to a ſovereign over conquered territories, bears a ſtrong analogy to the caſes of eſcheats. By the operation of law, the legal eſtate (as it is called) in the lands of a baſtard or other perſon dying inteſtate without heir, devolves upon the Sovereign, becauſe in the very nature of the caſe, the legal eſtate can go no where elſe, and it muſt be veſted ſomewhere. So of a conqueſt, the former owners are driven out, and the legal ownerſhip muſt, by the neceſſity of the thing, veſt in him who has the right to the ſervices of his ſubjects the conquerors; and as is before ſhewn, the Sovereign has a right to their ſervice. In ſuch a caſe, the legal property could otherwiſe exiſt in no one; a fluctuating body being by Law incapable of taking an intereſt in lands. On the other hand, if there be any thing intermediate that prevents the property paſſing in a direct channel to the Crown, that circumſtance compleatly interrupts the operation of the principle we have deſcribed. Thus, if a baſtard dies inteſtate, ſeized of a copyhold of inheritance, it ſhall not go to the King, but to the Lord of the Manor; and ſo on an attaint of blood, if the convict has previouſly transferred the legal intereſt in his inheritance over to another the King is barred, and ſhall not take it by his prerogative.

The queſtion then becomes reduced to the ſimple fact, whether at the time of, and anterior to the Company's taking poſſeſſion of the Circars, the legal eſtate in the ſoil was in them. If it was, it remains ſo ſtill, and the term of conqueſt in ſo far as it has any relation to, or connection with the queſtion of right, is inapplicable to the ſubject. Every force uſed however neceſſary and juſt, to help any lawful owner to his own, might equally be termed a conqueſt. In viewing and comparing the caſe of the Circars with thoſe of Maſulipatam and the final conqueſt of Bengal, for the purpoſe of diſcovering the operation of law with reſpect to the property in the ſoil, the difference (and a very great one indeed it is) conſiſts in this, that in the former inſtance the grant was *antecedent* to the poſſeſſion; it was made by the lawful owner to a party (the Eaſt-India Com-

pany) capable and authorized by law to accept and hold the lands ſo granted, whereby the legal eſtate and title became transferred to the Company in the firſt inſtance, and they have done no act whatever to diveſt themſelves of it, but have obtained poſſeſſion as they lawfully might, and have ever ſince retained it. Whereas in the other caſes, the grant being made *ſubſequent* to the conqueſt, the law inſtantly caſt the legal eſtate by the conqueſt upon the King; and any grants made ſubſequent to the King's title once acquired, though made by the conquered party and former owner to the real conqueror, are unavailable, and cannot operate to diveſt the King of what he had previouſly been inveſted with.

To raiſe a queſtion at this day upon the efficacy of the Mogul's grant to the Company, would be abſurd and prepoſterous, as ſtriking at the very root of their titles to various parts of our poſſeſſions in India, and particularly to the ſettlements of the Company; and becauſe if the grant be bad, it will not make a title in the King.

With reſpect to the means uſed for obtaining the grant in queſtion, it will be alſo nugatory to enter upon the enquiry, ſince no part of the claim of the Public is founded upon an imputed forfeiture; and becauſe by the juriſprudence of England, the King muſt ſhew a legal title in himſelf to ſupport his right; no equitable circumſtances can avail him in ſuch a caſe againſt his ſubjects. Beſides which, if a fraud, however groſs and atrocious it may have been, were to be proved or admitted in reſpect to the means uſed to obtain the grant, it could give no right of reſumption here, nor aſſiſt the claim of the Crown or the Public. If by the enormity of the fraud, the grant could be vitiated and ſet aſide, the lands muſt revert to the grantee upon whom the fraud was committed.

That the Company were capable, and muſt ſo continue 'till the law is altered, of acquiring landed property by grants from the country powers to an indefinite extent, is evident both in the letter and the ſpirit of their Charter, and no man will be hardy enough to deny it, after the high legal authority we have before quoted at large in the Third Chapter upon that very point.

Leſt what we have already ſaid ſhould not be thought ſufficient for ſupporting the excluſive claim of the Company to the Circars; and leſt the claim of the Public ſhould be again brought forward as for a country obtained by conqueſt, it may be right further to diſcuſs the fact.

That fraud and every ſpecies of corruption, chicane and artifice, were practiſed to create fears and apprehenſions in the mind of the Soubah, as the means of influencing and bringing him into our views for effecting our purpoſes; and that we corrupted his miniſters and commanders to gain them over to our intereſts, will not be denied. Practices of a nature which would never have been admitted in the Councils of the Company's ſervants, under other circumſtances than the very peculiar ones which at that critical juncture exiſted. But

we ſee in this nothing like *conqueſt*. The forces we had in the Circars, except a very few that had been added for ſhew more than actual ſervice, to attend the publication of the Mogul's grant, were at that time in the pay and ſervice of the Soubah himſelf, and we were in perfect amity with him. The bare act of taking poſſeſſion of the defenceleſs Fort of Condapilly and the paſs, cannot ſurely be deemed a conqueſt of the Circars. It is much to be doubted, if that Fort is deemed a part of the Circars, nor does it clearly appear that it was garriſoned by the Soubah's forces. It may rather be preſumed to have been held by a Zemindar, as thoſe Forts were which we obtained by corrupting Vizeram Rauſe. But admitting it was the Soubah's, it will be found ſituate at the extremity of the Circar of Ellore, between the hills, which form the north-weſt boundary of it. As well might it be argued that by the capture of Breda, the French had accompliſhed the conqueſt of the United Provinces, as that a country ſix hundred miles in length on the ſea coaſt, was conquered by taking this hill fort, ſituate at the Weſtern extremity of it. The Government of Fort St. George, the moment they knew of the Mogul's grant, had undoubtedly reſolved to ſeize and keep the Circars upon many conſiderations both political and commercial, and had concerted and taken their meaſures to meet the event of the Nizam ultimately rejecting their propoſals, or of his reſiſting their attempts to keep them by force. But both juſtice and policy dictated the propriety of holding them as fiefs of the Empire under the Native Sovereigns, by a rent and military tenure, rather than to involve the country in a new war; and their plan ſucceeded. They purchaſed, of the Soubah, a confirmation of their poſſeſſion by a fine, a yearly rent or tribute, and an engagement to furniſh a body of forces when required. They acted upon this agreement by an actual ſupply of troops immediately after, and they have paid the ſtipulated rent. It may be ſaid, and perhaps truly ſaid, that the Soubah's mind was influenced in making the grant more by panic and the fear of reſentment if he ſhould refuſe, than by any advantages he could expect to derive by his compliance. But the motives for his conduct can in no way be admitted to affect the deciſion on the queſtion of right, nor will they admit of proof; ſtill leſs ought we to preſume that becauſe the Company's ſervants purſued improper means to gain their point, thoſe means failing, the conqueſt of the Circars muſt of neceſſity have followed; as well might it be argued that though the grant was obtained, the Company inſtead of being permitted to take the fruits of it, ſhall be conſidered as having done that, which they did not in fact do, and which their ability to have done, muſt have depended altogether on the precarious events of war.

With reſpect to the treaty of 1768, whereby the Soubah in effect ratified the two former agreements; nothing material appears to us to ariſe from it to alter the queſtion of right, and therefore we forbear to enrer into any diſcuſſion of it. The Company's tenure and their poſſeſſions remained as before.

It has been noticed that by *conqueſt*, the ſovereignty, as well as the ſoil, paſſes to the Crown. If the Law Officers in India had conceived that the Circars were

held

held in right of conqueſt, they could have had no difficulty in adviſing their conſtituents to have obtained from the Crown a Charter of Juſtice for thoſe parts of their poſſeſſions. The want of Courts of Judicature there, has long been a ſubject of very ſerious complaint. That none have been inſtituted, can alone be aſcribed to the circumſtance of our not holding the Circars by right of conqueſt, but as Jagheerdars and tributaries to the Native Princes. The Law officers of the Company have given it as their opinion, that the ſovereignty remains in the country powers, and that no Courts can be inſtituted but by the authority of the Mogul or his Soubah. If the ſovereignty is not in the King, it muſt follow that the property in the lands or revenues cannot be veſted in him; and although the Crown cannot hold by the tenure of another, it is very conſiſtent for the Company to do ſo, and in fact they always have ſo held from the time of their obtaining their firſt Firmauns from the country powers.

Upon the whole, we retain the opinion formerly given in the Third Chapter,* that in point of law the Crown or the Public have no claim againſt the Company in the northern Circars, and that they are held by the Company as Jagheerdars to the Mogul, (a ſpecies of military tenure, by which they are to furniſh a number of cavalry, determinable by the Emperor's books) paying at the ſame time by voluntary compact, a fixt tribute to the Soubah of the Decan, who is the nominal viceroy and repreſentative of the Mogul in thoſe parts.

How far ſo large a territory may be neceſſary for the purpoſes of commerce, and in that reſpect proper to be kept by the Company, or for any political purpoſes to be taken from them and placed in the Crown, it is not our province to determine. The Legiſlature are the proper judges in that reſpect. All that we mean to contend is this, that the Circars never were conquered by the Eaſt-India Company; that their title to them is by grant, and that there is no law exiſting by which they can be taken out of their hands, or by which they are liable to account for the revenues of them to the Public, otherwiſe than according to the terms and conditions of their exiſting compact for the continuance of their excluſive trade, by which a temporary participation has been eſtabliſhed of the Revenues of the Britiſh Territories in India at large, of which Maſulipatam and the Circars form a part, with a mutual ſaving of Rights from being prejudiced by that partition.

* Vide the opinions of the Company's Advocate General and Solicitor General at Fort St. George, given in July, 1783.

An ACCOUNT of the Value of the Goods, diſtinguiſhing the principal ; the Value of the Exports of Eaſt India Goods, eſtimated at the ſame Rate as the Imports ; n of Four Years.

	Years.	Walking Canes.	China Ware.	Coffee.	Pepper. Stuffs. digo.	Red Sanders.	Shel-lack.	Saltpetre.
		£.	£.	£.	£. £.	£.	£.	£.
Value of Goods ſold at the Company's Sales -	1789	16,755	39,124	29,720	95,438),589	4,847	4,152	100,067
	1790	13,668	38,959	14,928	163,0977,107	3,441	609	87,041
	1791	4,425	54,550	54,015	175,2239,564	2,279	—	85,692
	1792	918	45,201	47,919	149,1893,351	—	1,296	160,913
Total Value ſold in the Four Years - -		35,766	177,834	146,582	582,947),611	10,567	6,059	433,713
Medium Anual Value ſold - - -		8,941	44,458	36,645	145,7360,152	2,641	1,514	108,428
Ditto exported - - -		5,657	12,684	14,503	100,4724,011	812	3,365	5,434
Medium Annual Value remaining for Home Conſumption		3,28	31,774	22,142	45,264,141	1,829	—	102,994
Medium Annual Value retained for Home Conſumption, excluding the Duties - - -		2,587	16,682	12,278	25,194,141	1,829	—	86,514

	Years.	Mother of Pearl Shells.	Silk. Bengal Raw.	Silk. Chin Raw.
		£.	£.	£.
Value of Goods ſold at the Company's Sales continued - - - - -	1789	3,323	289,271	235,5
	1790	—	302,991	217,7
	1791	—	321,882	236,1
	1792	2,322	318,440	148,5
Total Value ſold in the Four Years - -		5,645	1,232,584	837,9
Medium Annual Value ſold - - - -		1,411	308,146	209,4
Ditto exported - - -		720	46,620	14,4
Medium Annual Value remaining for Home Conſumption		691	261,526	195,9
Medium Annual Value retained for Home Conſumption, excluſive of the Duties - - - -		573	233,883	145,3

	Years.	Walking Canes.	China Ware.	Coffee.	Pepper Stuffs. digo.	Red Sanders	Shel-lack.	Saltpetre.
		£.	£.	£.	£. £.	£.	£.	£.
Value of Eaſt-India Goods exported - -	1789	8,796	12,721	12,476	92,13,402	889	6,787	905
	1790	5,304	12,452	5,968	95,53,280	137	3,078	7,515
	1791	5,316	11,520	661	125,17,365	2,076	3,271	7,921
	1792	3,214	14,046	38,909	89,0—	148	326	5,397
Total Value exported in the Four Years - -		22,630	50,739	58,014	401,86,047	3,250	13,462	21,738
Medium Annual Value exported - -		5,657	12,684	14,503	100,41,011	812	3,365	5,434

	Years.	Mother of Pearl Shells.	Silk. Bengal Raw.	Silk Chi Ra
		£.	£.	£
Value of Eaſt-India Goods exported, continued	1789	1,792	65,481	31
	1790	897	55,174	11
	1791	—	50,913	9
	1792	194	14,913	5
Total Value exported in Four Years - - -		2,883	186,481	57

RECAPITULATION

An ACCOUNT of the Value of the Goods, diſtinguiſhing the principal Articles ſold by the East India Company in the laſt Four Years, agreeably to the Company's Sale Prices ; and alſo of the Value of the Exports of Eaſt India Goods, eſtimated at the ſame Rate as the Imports ; together with the Value, including the Duties of that Part which remains for Home Conſumption, taken upon a Medium of Four Years.

I M P O R T S.

	Years.	Walking Canes.	China Ware.	Coffee.	Pepper.	Sago.	Tea.	Turmeric.	Manufactured Articles.	Unmanufactured Articles.	Cowries.
		£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Value of Goods ſold at the Company's Sales	1789	16,755	39,124	29,720	95,438	2,990	2,843,388	1,993	2,666	19,177	6,087
	1790	13,668	38,959	14,928	163,097	6,994	2,927,235	583	14,250	1,238	—
	1791	4,425	54,550	54,015	175,223	7,330	2,985,070	—	37,839	718	5,331
	1792	918	45,201	47,919	149,189	5,763	3,047,693	4,198	18,210	853	8,919
Total Value ſold in the Four Years		35,766	177,834	146,582	582,947	23,077	11,803,392	6,774	72,973	21,986	20,337
Medium Anual Value ſold		8,941	44,458	36,645	145,736	5,769	2,950,848	1,693	18,243	5,496	5,084
Ditto exported		5,657	12,684	14,503	100,472	773	330,825	894	4,186	1,320	3,653
Medium Annual Value remaining for Home Conſumption		3,28[illegible]	31,774	22,142	45,264	4,996	2,620,023	799	14,055	4,176	1,431
Medium Annual Value retained for Home Conſumption, excluding the Duties		2,587	16,682	12,278	25,194	3,900	2,288,104	603	8,741	2,997	978

	Years.	Drugs. Benjamin.	Borax, refined and unrefined.	Cardemoms.	Caſſia Buds.	Caſſia Lignes.	Camphire unrefined.	Myrrh.	Quickſilver.	Rhubarb.	Dye Stuffs. Indigo.	Red Sanders.	Shellack.	Saltpetre.
		£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Value of Goods ſold at the Company's Sales	1789	8,718	3,039	4,377	10,972	16,285	8,148	2,740	17,982	15,584	110,589	4,847	4,152	100,067
	1790	5,166	296	1,943	232	4,411	—	1,989	4,983	988	137,107	3,441	609	87,041
	1791	—	3,422	—	1,156	3,759	—	478	1,126	—	209,564	2,279	—	85,692
	1792	4,201	3,440	2,245	2,436	4,257	—	—	14,303	—	183,351	—	1,296	160,913
Total Value ſold in the Four Years		18,085	10,197	8,565	14,796	28,712	8,148	5,207	38,394	16,572	640,611	10,567	6,059	433,713
Medium Anual Value ſold		4,521	2,549	2,141	3,699	7,178	2,037	1,301	9,598	4,143	160,152	2,641	1,514	108,428
Ditto exported		9,874	96	2,275	2,642	11,919	1,940	644	902	6,162	34,011	812	3,365	5,434
Medium Annual Value remaining for Home Conſumption		—	2,453	—	1,057	—	97	657	8,696	—	126,141	1,829	—	102,994
Medium Annual Value retained for Home Conſumption, excluding the Duties		—	1,810	—	950	—	86	310	7,154	—	126,141	1,829	—	86,514

I M P O R T S CONTINUED.

	Years.	Mother of Pearl Shells.	Silk. Bengal Raw.	Silk. China Raw.	Cotton Wool.	Callicoes.	Muſlins.	Nankeens.	Prohibited Goods.	Miſcellaneous Articles.	Grand Total.
		£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Value of Goods ſold at the Company's Sales continued	1789	3,323	289,271	235,506	267	620,949	793,166	40,327	236,[illegible]68	21,314	5,614,641
	1790	—	302,991	217,735	2,976	838,899	1,208,384	45,516	282,598	31,000	6,359,257
	1791	—	321,882	236,179	15,235	866,5[illegible]9	780,729	35,783	272,321	49,848	6,210,469
	1792	2,322	318,440	148,547	—	820,[illegible]14	840,879	15,234	242,622	25,650	6,119,121
Total Value ſold in the Four Years		5,645	1,232,584	837,967	18,478	3,155,471	3,623,158	136,860	1,034,209	127,822	24,303,488
Medium Annual Value ſold		1,411	308,146	209,491	4,619	788,867	905,789	34,215	258,552	31,955	6,075,872
Ditto exported		720	46,620	14,480	25	674,342	546,240	7,606	258,552	10,735	2,114,378
Medium Annual Value remaining for Home Conſumption		691	261,526	195,011	4,594	114,525	359,549	26,609	—	21,220	3,961,494
Medium Annual Value retained for Home Conſumption, excluſive of the Duties		573	233,883	145,353	4,594	77,877	294,831	21,820	—	14,314	—

E X P O R T S.

	Years.	Walking Canes.	China Ware.	Coffee.	Pepper.	Sago.	Tea.	Turmeric.	Manufactured Articles.	Unmanufactured Articles.	Cowries.
		£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Value of Eaſt-India Goods exported	1789	8,796	12,721	12,476	92,115	1,063	342,312	1,256	666	4,794	11,[illegible]69
	1790	5,304	12,452	5,968	95,577	151	307,093	—	3,562	309	2,477
	1791	5,316	11,520	661	125,129	—	333,029	1,541	9,459	179	302
	1792	3,214	14,046	38,909	89,[illegible]	1,881	340,868	780	3,065	—	167
Total Value exported in the Four Years		22,630	50,739	58,014	401,889	3,095	1,323,302	3,577	16,752	5,282	14,615
Medium Annual Value exported		5,657	12,684	14,503	100,472	773	330,825	894	4,188	1,320	3,653

	Years.	Drugs. Benjamin.	Borax, refined and unrefined.	Cardemoms.	Caſſia Buds.	Caſſia Lignea.	Camphire unrefined.	Myrrh.	Quickſilver.	Rhubarb.	Dye Stuffs. Indigo.	Red Sanders.	Shellack.	Saltpetre.
		£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Value of Eaſt-India Goods exported	1789	10,432	64	1,357	2,699	16,567	6,096	476	466	12,674	3,4[illegible]2	889	6,787	905
	1790	4,962	32	2,578	3,704	11,398	1,666	755	2,148	6,824	45,280	137	3,078	7,515
	1791	8,131	291	2,638	[illegible]96	8,895	—	512	847	4,608	87,365	2,076	3,271	7,921
	1792	15,974	—	2,527	3,171	10,810	—	833	144	484	—	148	326	5,397
Total Value exported in the Four Years		39,499	387	9,100	10,570	47,676	7,762	2,576	3,606	24,650	136,047	3,250	13,462	21,738
Medium Annual Value exported		9,874	96	2,275	2,642	11,919	1,940	644	902	6,162	34,011	812	3,365	5,434

E X P O R T S CONTINUED.

	Years.	Mother of Pearl Shells.	Silk. Bengal Raw.	Silk. China Raw.	Cotton Wool.	Callicoes.	Muſlins.	Nankeens.	Prohibited Goods.	Miſcellaneous Articles.	Grand Total.
		£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Value of Eaſt-India Goods exported, continued	1789	1,792	65,481	31,602	—	588,786	596,814	6,647	23[illegible],668	7,108	2,085,583
	1790	897	55,174	11,695	—	650,820	478,940	8,268	282,598	10,333	2,021,695
	1791	—	50,913	9,031	—	640,055	488,128	7,017	272,321	16,949	2,099,161
	1792	194	14,913	5,595	100	817,710	621,079	8,492	242,622	8,550	2,251,073
Total Value exported in Four Years		2,883	186,481	57,923	100	2,697,371	2,184,961	30,424	1,034,209	42,940	8,457,512
[illegible]		720	46,620	14,480	25	674,342	546,240	7,606	258,552	10,735	2,114,378

RECAPITULATION

RECAPITULATION of the preceding Account.

Medium Annual Amount of Eaſt India Sales, including Duties paid by the Company and the Purchaſers, viz. in Goods £. 5,015,180; in Duties £. 1,060,692; in all £. 6,075,872.

The above Sum of £. 6,075,872 conſiſts of the following Articles, including the Duties.

1ſt. Walking Canes, China Ware, Coffee, Pepper, Sago, Tea, Turmeric, manufactured and unmanufactured Goods, and ſundry ſmall Articles	£. 2,756,262	
2dly. Drugs and Cowries - - - - - -	14,391	
3dly. Indigo, Red Sanders, Saltpetre, Mother of Pearl Shells, Bengal and China Raw Silk, Cotton Wool, and ſundry ſmall Articles -	704,256	
4thly. Callicoes, Muſlins, and Nankeens - - - -	500,683	
Total Amount retained for Home Conſumption, including the Duties - - - - - -	3,975,592	
Goods exported, including the Duties - - -	2,114,378	
Total - - - - - -	6,089,970	
Deduct the Amount of thoſe Articles, the value of which on exportation exceeded the value ſold, ariſing from a greater quantity of theſe Articles having been on hand at the time the Account commenced, than at the period in which it terminated -	14,098	
		6,075,872

RECAPITULATION, excluſive of the Duties.

Medium Annual Amount of Eaſt India Sales, excluſive of the Duties -			£. 5,013,239
The above Sum of £. 5,013,239 conſiſts of the following Articles, excluſive of the Duties.			
1ſt. Walking Canes, China Ware, Coffee, Pepper, Sago, Tea, &c. as above - - - - - -		£. 2,370,027	
2dly. Drugs and Couries - - - -		11,288	
3dly. Indigo, Red Sanders, Saltpetre, Mother of Pearl Shells, &c. as above - - - - -		606,201	
4thly. Callicoes amounting to £. 77,877; Muſlins £. 294,831; and Nankeens £. 21,820; making in all - - -		394,528	
Total - - - - -		3,382,044	
Deduct the Amount of thoſe Articles where the Export exceeds the Sale - - - - - -		14,098	
Medium Annual Value of Goods retained for Home Conſumption		3,367,946	
Amount of Goods exported - -	£. 2,114,378		
Deduct Drawbacks repaid to the Exporters -	433,601		
		1,680,777	
Total - - - - -			5,048,723

The difference between the Value ſold, excluſive of the Duties, and the Value, thus accounted for, amounting to £. 35,484, ariſes from a variety of circumſtances, a detail of which, in figures, would greatly tend to complicate the Account.

RECAPITULATION of the preceding Account.

Medium Annual Amount of East India Sales, including Duties paid by the Compan the Purchasers, viz. in Goods £. 5,015,180 ; in Duties £. 1,060,692 ; in all £. 6,075
The above Sum of £. 6,075,872 consists of the following Articles, including the D

1st. Walking Canes, China Ware, Coffee, Pepper, Sago, Tea, Turmeric, manufac and unmanufactured Goods, and sundry small Articles	£. 2,756,262	
2dly. Drugs and Cowries - - - - - -	14,391	
3dly. Indigo, Red Sanders, Saltpetre, Mother of Pearl Shells, Bengal and China Raw Silk, Cotton Wool, and sundry small Articles -	704,256	
4thly. Callicoes, Muslins, and Nankeens - - - -	500,683	
Total Amount retained for Home Consumption, including the Duties - - - - - -	3,975,592	
Goods exported, including the Duties - - -	2,114,378	
Total - - - - - -	6,089,970	
Deduct the Amount of those Articles, the value of which on exportation exceeded the value sold, arising from a greater quantity of these Articles having been on hand at the time the Account commenced, than at the period in which it terminated -	14,098	
		6,075,

RECAPITULATION, exclusive of the Duties.

Medium Annual Amount of East India Sales, exclusive of the Duties - £. 5,013,
The above Sum of £. 5,013,239 consists of the following Articles, exclusive of the Duties.

1st. Walking Canes, China Ware, Coffee, Pepper, Sago, Tea, &c. as above - - - - - -		£. 2,370,027	
2dly. Drugs and Couries - - - -		11,288	
3dly. Indigo, Red Sanders, Saltpetre, Mother of Pearl Shells, &c. as above - - - - - -		606,201	
4thly. Callicoes amounting to £. 77,877; Muslins £. 294,831 ; and Nankeens £. 21,820 ; making in all - - -		394,528	
Total - - - - -		3,382,044	
Deduct the Amount of those Articles where the Export exceeds the Sale - - - - - -		14,098	
Medium Annual Value of Goods retained for Home Consumption		3,367,946	
Amount of Goods exported - -	£. 2,114,378		
Deduct Drawbacks repaid to the Exporters -	433,601		
		1,680,777	
Total - - - - -			5,048,

The difference between the Value sold, exclusive of the Duties, and the Value accounted for, amounting to £. 35,484, arises from a variety of circumstances, a deta which, in figures, would greatly tend to complicate the Account.

An Abridgment of the Act for ſettling the Government and Trade of India, and for the Appropriation of the Territorial Revenues and Profits of Trade.

THE CONTROUL AT HOME.

THE Act provides for the continuation of the Board of Controul for the Affairs of India in all its parts, except, that inſtead of the Secretary of State being the Preſident, the perſon firſt named in the King's Commiſſion is to be the Preſident; and, inſtead of the Commiſſion being limited to ſix Privy Counſellors, the number is indefinite, reſting on the King's pleaſure; of which, however, the two principal Secretaries of State and the Chancellor of the Exchequer are to be three: and His Majeſty may, if he pleaſes, add to the liſt two Commiſſioners, who are not of his Privy Council.

By the former Act, no ſalaries were given to the Commiſſioners for India; and thoſe of their Secretary and other Officers were to be paid out of the Civil Liſt. By the new Act, the King may give £. 5,000 a year amongſt ſuch of the Commiſſioners as he pleaſes; which, together with the ſalaries of the Secretary and Officers, and other expences of the Board, are to be paid by the India Company, and not by the Civil Liſt. The whole is not to exceed £. 16,000 a year, the Commiſſioners Salaries included.

Oaths are preſcribed for the Commiſſioners and their Officers. The office of a Commiſſioner or Chief Secretary, is not to be

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deemed a new office, to difable their fitting in Parliament. The appointment of a Commiffioner not having a falary, or of a Chief Secretary (if a Member of the Houfe of Commons) is not to vacate his feat; but the appointment of a Commiffioner, with a falary, will vacate his feat. Three Commiffioners muft be prefent to form a Board.

The powers of the Board are, in fubftance, the fame as under former Acts of Parliament. They are to fuperintend, direct and controul all acts, operations and concerns which relate to the Civil or Military Government and Revenues of India, fubject to the reftrictions hereafter-mentioned. They and their Officers are to have accefs to the papers and records of the Company, and to be furnifhed with copies or extracts of fuch of them as fhall be required. They are alfo to be furnifhed with Copies of all proceedings of General Courts and Courts of Directors, within eight days; and with Copies of all difpatches from abroad, which relate to Matters of Government or Revenue, immediately after their arrival. No orders on thofe fubjects are to be fent by the Company to India until approved by the Board, and when the Commiffioners vary or expunge any difpatches propofed by the Directors, they are to give their reafons; and all difpatches are to be returned to theCourt of Directors in fourteen days. The Directors may ftate their objections to any alterations, and the Commiffioners are to reconfider them, and if they interfere with what the Directors may deem matters of Commerce, the Directors may apply to the King in Council to determine betwixt them. But the Board are reftricted from the appointment of any of the Company's Servants. If the Directors, on being called upon to propofe difpatches, on any fubject relating to Government or Revenue, fhall fail to do fo within fourteen days, the Board may originate their own difpatches on that fubject.

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The Board are not to authorize any encreafe of falaries, or any allowance or gratuity to be granted to perfons employed in the Company's fervice, except the fame fhall be firft propofed by the Company, and their intention and reafons for fuch grant are to be certified to both Houfes of Parliament thirty days before the falary can commence.

The Directors are to appoint three of their members to be a Committee of Secrecy, through whom difpatches relating to Government, war, peace or treaties, may be fent to, and received from India. The Secret Committee, and the perfons they employ to tranfcribe fecret difpatches, are to be fworn to fecrecy.

Orders of Directors concerning the Government or Revenues of India, once approved by the Board, are not fubject to revocation by the General Court of Proprietors.

THE GOVERNMENTS ABROAD.

The prefent Forms of Goverment over the Prefidencies of Bengal, Fort St. George and Madras, are continued in all their effential parts. For Bengal, by a Governor General and three Members of Council. For each of the others, a Governor and three Members. Thefe latter, in refpect to treaties with the native Powers of India, levying war, making peace, collecting and applying Revenues, levying and employing forces, or other matters of civil or military Government, are to be under the controul of the *Government General* of Bengal; and are, in all cafes whatever, to obey their orders, unlefs the Directors fhall have fent to thofe fettlements any orders repugnant thereto, not known to the Government General; of which, in that cafe, they are to give the Government General immediate advice.

The Court of Directors are to appoint to thefe feveral Governments; namely, the Governor General, the two other Governors,

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and the the Members of all the Councils; and likewife the Commander in Chief of all the forces, and the three provincial Commanders in Chief. None of the Commanders in Chief are, *ex officio*, to be of the Council; but they are not difqualified from being fo, if the Directors fhall think fit to appoint them, and, when they are Members of the Council, they are to have precedence of the other Counfellors. The civil Members of Council are to be appointed from the Lift of Civil Servants, who have refided twelve years in the fervice in India.

The Directors may appoint to any of thofe offices provifionally, but without falary, till the perfons appointed fhall actually fucceed in poffeffion. Any vacancy of Governor General, or Governor, when no provifional fucceffor is on the fpot, is to be filled by the Senior of the civil Counfellors, till a fucceffor fhall arrive, and the vacant feat in Council, thereby occafioned, fhall be temporily fupplied from amongft the Senior Merchants at the nomination of the acting Governor General, or Governor, if only one Counfellor fhall then remain. The Governor General and Governors may fupply vacancies in Council from the Lift of Senior Merchants, until fucceffors, duly appointed, fhall arrive to take their feats. In all thefe cafes, the falaries and allowances are to follow the acting Members while in office. If the Directors fail to appoint to vacancies in two calendar months after notification thereof, the King may fupply them, and the Directors fhall not remove any perfon fo appointed. In all other cafes the Directors have the power of recalling or difmiffing any fervants; and the like general power is vefted in the Crown. Appointments made before the Act are not to be thereby difturbed.

The Commander in Chief of all the forces, when at either of the fubordinate fettlements, is to have a feat at the Council Board, but is to have no falary in refpect thereof; and if the Provincial Commander is a Member of that Council, he may continue to delibe-

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rate, but his voice ſhall be ſuſpended, as long as the other ſhall remain.

Proviſion is made for ſupplying the place of any Member of Council, diſabled from attending by any caſual illneſs or infirmity.

The departure of any Governor or Member of Government, or Commander in Chief from India, with intent to come to Europe, or any written reſignation delivered in by them ſhall be deemed an avoidance of office, and the coming into any part of Europe ſhall be a ſufficient indication of that intent. No ſalary ſhall be paid or payable to any Officer, or his Agent, during abſence, unleſs employed on actual ſervice; and if any officer, unleſs abſent on ſervice, never returns, the ſalary is to be deemed to have ceaſed from the day of his quitting the ſettlement.

The Act preſcribes the order and method of conducting buſineſs at the ſeveral Council Boards. Matters propounded by the Preſident, ſhall be firſt proceeded upon. He may adjourn the diſcuſſion of queſtions put by the Members of Council, but not more than twice, nor beyond forty-eight hours each time. All orders are to be expreſſed to be made by the Governor General *in* Council, or Governor *in* Council. Powers are given to the Governor General or Governors, to act contrary to the opinions of the other Members of Council, taking upon themſelves the ſole reſponſibility. On ſuch extraordinary occaſions, the Governor General, or Governor, and Counſellors are to communicate to each other their opinions and reaſons by minutes, in writing, and to meet a ſecond time; and if both retain their firſt opinion, the minutes are to be entered on the conſultations, and the orders of the Governor General, or Governor, are to be valid, and put in execution.

If the Governor General ſhall viſit any ſubordinate preſidency, he ſhall appoint a Vice Preſident to act in Bengal during his abſence

ſence, who, with the Council, may act for that Preſidency alone. The Governor General's authority, and that of his Council over ſuch ſubordinate ſettlement, ſhall be transferred to the Council Board of the Preſidency where he ſhall be preſent; except in judicial caſes. And whilſt he is in a ſubordinate Preſidency, the Governor thereof ſhall have only a voice in Council. His other authorities, except in regard to judicial matters, ſhall be ſuſpended. If the Governor General ſhall be in the field without a Council, all the Governments and Officers ſhall obey his orders, and he alone ſhall be reſponſible.

Theſe extraordinary powers ſhall not extend to the impoſing any tax, nor to any act which might not be done by the whole Council, nor to any judicial caſe, nor to the ſuſpenſion of any ſtanding order of Government, nor ſhall thoſe powers be exerciſed by perſons caſually ſucceeding to the temporary Government; and the Directors, with the approbation of the India Board, may ſuſpend theſe extraordinary powers, and again revive them; and all the Governments are laid under reſtrictions to prevent war or extenſion of dominion in India, unleſs hoſtilities againſt the Company, or their allies, ſhall render war unavoidable; and the Members of the ſubordinate Governments, acting contrary to this Act, or to the directions of the Government General, may be ſuſpended or diſmiſſed by that Government, and further puniſhed. The ſubordinate Preſidencies are alſo required to communicate all matters of importance to the Superior Government, with all diſpatch.

The Governor General, and the other Governors, are veſted with powers of apprehending perſons ſuſpected of illicit correſpondence. Witneſſes are to be examined and croſs examined, and their evidence recorded; and the parties may be tried either in India or ſent home: in the latter caſe, the depoſitions of the witneſſes are

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alſo to be ſent home, and are to be received in evidence, ſubject to impeachment in reſpect to the competency of the witneſſes.

To the acting Preſident of the ſeveral Council Boards, is given a caſting vote in all caſes of equality of voices.

PATRONAGE AND RULE OF PROMOTION.

The Directors are to appoint ſo many Cadets and Writers only, as to ſupply vacancies according to returns from abroad. Their ages ſhall not be under fifteen, not exceed twenty-two, unleſs any Cadet ſhall have been one year in the King's ſervice, and then his age is not to exceed twenty-five years. All ſhall have promotion by ſeniority of ſervice only. Three years ſervice qualifies a civil ſervant for a place of £.500 a year; ſix years for one of £.1500; nine years £.3000; twelve years £.4000 a year or upwards. None to take two offices, where the joint emoluments ſhall exceed this rule. All Collectors of the Revenue are to take the oath preſcribed in the Act againſt the acceptance of preſents, and for faithfully rendering to the Company all they ſhall receive.

The acceptance of any preſent, by any ſervant of the Crown, or of the Company in India, is made puniſhable as for extortion (with a ſaving of fees to profeſſional men) and the Court, before whom ſuch offence is tried, on any conviction, may return the preſent to the party who gave it, or diſpoſe of any fine in favour of the proſecutor.

Diſobedience of orders of the Directors by ſervants abroad, is made puniſhable as for a miſdemeanor, and ſo is any breach of truſt or duty, or making or being party to any corrupt bargain concerning any office or employment, whether by a King's or a Company's ſervant; and all the King's ſubjects in India are made

amenable to all Courts of competent jurifdiction abroad, and at home for all crimes committed by them in India. The Company may compound civil actions, now depending, or hereafter to be brought at any time before judgment, but in criminal cafes they are abfolutely reftricted from compounding or remitting any judgment or fentence whatever.

Servants of the Company, after five years abfence, cannot return with their rank, nor ferve again, unlefs detained by ficknefs; or unlefs it be by leave of the Company on a ballot of three parts in four of the General Court. In cafe of ficknefs, the Directors are the judges in the Civil Service, and in the Military the Directors and the Board of Controul jointly are the judges.

THE TRADE.

The Company's term is extended for 20 years, from the 1ft of March 1794; fubject to be determined at, or after that period, on three year's previous notice by Parliament, fignified by the Speaker of the Houfe of the Commons; fubject, however, as to the trade to and from *India*, to the following limitations in favour of fuch private Merchants, as may choofe to trade thither. In other refpects, and to and from *China*, and other places beyond the Cape of Good Hope, the former reftrictions againft private Traders are continued in force; and if the exclufive trade thus limited, fhall be hereafter difcontinued, the Company are ftill to retain their corporate capacity, with power to trade with a joint ftock in common with other people. If, however, any new fettlement fhall be obtained from the Chinefe Government, feparate from the Continent of Afia, an export trade thither is referved to private Merchants, under certain conditions and regulations; and there is alfo a claufe to preferve the Southern Whalers in the benefit of

their carrying trade into the Pacific Ocean, by the way of Cape Horn, to the northward of the Equator, limited to 180 degrees weſt longitude from London; and ſhips from Nootka Sound are to be licenſed to trade from thence with Japan and China, but are not to bring any goods of the produce or manufacture of thoſe Countries to Great Britain.

LIMITATIONS ON THE EXCLUSIVE TRADE TO AND FROM INDIA.

All perſons may export and import goods to and from India in the Company's ſhips, except that they ſhall not export military ſtores, ammunition, maſts, ſpars, cordage, anchors, pitch, tar, or copper; nor import India callicoes, dimities, muſlins, or other piece goods, made or manufactured with ſilk or cotton, or with ſilk or cotton mixed, or with other mixed materials, unleſs it be done by leave of the Company. If the market ſhall not be ſufficiently ſupplied with the excepted articles of import or export, with an exception of military ſtores and copper, the Board of Controul may open that trade alſo to individuals. If the Company ſhould not export 1500 tons of copper annually, private Traders may export copper, in the Company's ſhips, to the amount of the deficiency.

The Company are to furniſh private Traders, till 1796, with 3000 tons of ſhipping yearly, computed on the ſame principle as the Company's own tonnage is computed. The quantity may be increaſed by order of the Board of Controul, to meet the demands of the private Traders; and if the Board order more than the Company approve, they may appeal from the order to the King in Council. And the Company are reſtricted from charging any higher freight than £.5 per ton outwards, and £.15

per ton inwards, except in time of war, or in circumſtances incidental to war, or preparations for war, when they may charge an increaſed rate of freight, in a due proportion to the rates at which they ſhall take up their own ſhipping, but the propoſed increaſe can only be made by the conſent of the India Board, to whom the Directors are alſo required, in 1794, and in every third year afterwards, to lay a ſtatement of the affairs of ſhipping, and to abide by their order, touching any continuance, encreaſe, or abatement of the rate of freight on private trade.

Private traders are required to notify to the Company's Secretary, at home, and to the proper officers in India, at a time limited, the quantity of tonnage wanted by them for the enſuing ſeaſon, with the place of deſtination, and the time when the goods will be ready for ſhipping. At home, this notice is to be given before the 31ſt Auguſt for the ſhips of the enſuing ſeaſon, and before the 15th September they are to depoſit the ſum for the tonnage, or give ſecurity to the Directors for payment of it. Before the 30th of October, they are to deliver a liſt of the ſorts and quantities of the goods intended to be ſent. In failure of having them ready, by the day ſpecified in the notice, they are to forfeit their depoſit or the ſecurity, and alſo their tonnage for that turn. Similar rules are preſcribed for ſhipping, &c. goods in India; but it is left to the Governments there to fix the times, and to name the officers, to whom notices are to be given. The Company is to have the benefit of all forfeited and vacant tonnage, and if more is demanded for private trade than the quantity limited, every perſon is to have his due proportion; and notice is to be given him thereof, ſeven days before the day for making the depoſits. All Private Trade is to be regiſtered in the Company's books, and, in default of being regiſtered, it is to be conſidered as illicit trade, and puniſhable accordingly.

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The reftrictions of the law againft the Company's Servants, or others, from acting as factors for foreigners, or lending money to foreign Companies, or on bottomry of their fhips, or affifting them with remittances by bills, are repealed. And all legal impediments to the recovery of debts, under any pretence that they were incurred illicitly, and againft the letter of thefe abrogated laws, are removed; and all perfons in India, not fpecially prohibited by the Company, or reftricted by their covenants, are authorized to act as mercantile agents for any who may choofe to employ them; and if there fhall be a want of Factors (properly qualified and authorized) the Company are to licenfe free merchants, with the approbation of the India Board, fo that there may be always a proper fupply of agents for conducting the PrivateTrade abroad. But the becoming factors is not to exempt any perfons from being amenable to the general authorities of the Governments in India; and all Agents are reftricted from going beyond ten miles from fome principal fettlement without fpecial leave.

As a further relief to Private Traders, the duty of 5 per cent., granted by an Act of King William, on Goods imported in Private Trade, is, in refpect to the India Trade, repealed; and the Company's ufual charge of 2 per cent. difcontinued, and in lieu of thefe, and in fatisfaction of the expences of unfhipping, hoyage, cartage, warehoufe room, forting, lotting, and felling private goods, the Company is to have £. 3 per cent. on the grofs amount of the fales of Private Trade, the cuftoms thereon included. The repeal, or the allowance thus fubftituted, is however not to extend to fpecial engagements made between the Company and any of their Officers, touching their privileges.

For the eafe of manufacturers, who may import any articles of raw materials, Rules or By-Laws are to be framed and eftablifhed

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for bringing them to as early a ſale as poſſible, and for preventing any undue preference in the ſales of the ſame commodity amongſt any of the importers, whether the goods belong to the Company or to Individuals, the ſales are to be open and public, by inch of candle; and the whole conſignment bought in by the private importer, is to be delivered out to him, on payment only of the duties and other dues thereon. All other goods imported in Private Trade are to be ſold, and treated as heretofore, according to the By-Laws of the Company; and all goods in Private Trade are to pay to Government the ſame cuſtoms as goods imported by the Company on their own account.

And inaſmuch as the allowance of 3 per cent., and the rates of freight, will be inſufficient to indemnify the Company their actual charges upon Private Trade, the Legiſlature hath thought it juſt to exempt the Company from actions for loſſes or embezzlements, which a common carrier might, in ordinary caſes, be liable by law to make good to the owner. But the Act provides that the Company's Officers, and all perſons through whoſe means or negligence any loſs ſhall happen, ſhall be liable to make it good to the owner, and it gives a further remedy to the owner, in certain caſes, to recover ſatisfaction, by enabling him to proſecute under the written engagements or ſecurities taken by the Company for the ſafe keeping of their own merchandize. All the laws prohibiting the import of goods from any other place than that of their growth, and for continuing all prohibitory laws in reſpect to the conſumption or wearing of foreign manufactures are continued.

APPROPRIATIONS.

Firſt; in India. The territorial revenues are to be applied, in the firſt place, in defraying all charges of a military nature. Secondly; In

In payment of the intereſt of the debts there already, or hereafter to be incurred. Thirdly; In payment of the civil and commercial eſtabliſhments. Fourthly; In payments of not leſs than one million per annum for the Company's inveſtments of goods to Europe, and remittances and inveſtments to China; and the ſurplus, if any ſhall remain, is to be applied in the diſcharge of debts, or ſuch other purpoſes as ſhall be directed from home. The ſum allowed for inveſtments, may from time to time be increaſed to the extent of the diminution made in the annual amount of the intereſt of debts which ſhall be paid in India or transferred home; for which transfer, proviſion is made to an extent of £.500,000 a year, by bills of exchange to be drawn upon the Company: and if the creditors ſhall not ſubſcribe to that amount, other perſons may ſubſcribe, and the money advanced by them for bills is to be applied in diſcharge of ſuch debts; and this rule is to be continued till the India debt ſhall be reduced to two millions. The Company may increaſe theſe transfers home, but the Governments abroad are reſtricted from exceeding the above amount, without their orders.

Secondly at Home. The net produce of the Company's funds at home, after payment of current charges, are thus appropriated: Firſt; In payment of a ten per cent. annual dividend, on the preſent or any increaſed amount of the capital ſtock of the Company. Secondly; Of £.500,000 per annum to be ſet apart on the firſt March and the firſt September, half yearly; and applied in the diſcharge of the before-mentioned bills of exchange, for the aforeſaid reduction of the India debt. Thirdly; Of a like annual ſum of £.500,000 to the Exchequer, to be applied by Parliament for the uſe of the Public, and to be paid on the 1ſt of January and firſt of July, half yearly, by equal inſtalments. And, laſtly; The ſurplus may be applied in the more ſpeedy reduction of the India debt, till reduced

to

to two millions; or in difcharging debts at home, fo as not to diminifh the bond debt below £.1,500,000. Subject to thefe appropriations, and after the debt in India is reduced to two millions, and the bond debt at home to £.1,500,000; *one fixth* part of the ultimate furplus, is to be applied to an increafe of dividend on the capital ftock, and the remaining *five fixths*, is to be made a Guarantee Fund, or collateral fecurity for the Company's capital ftock, and their dividend of ten per cent. until fuch Fund, by the monies paid by the Company, and the intereft thereof, fhall have amounted to twelve millions; and after that time, the faid *five fixth* of the furplus is to belong to the Public in full right. Thefe *five fixths* are to be paid into the Bank, and laid out in the purchafe of redeemable annuities, in the names of the Commiffioners for the reduction of the National debt, who are alfo to receive the dividends, and lay them out in like manner, until twelve millions have been invefted. That being accomplifhed, the annual dividends of the ftock purchafed therewith, are, in the firft place, to make good any defalcation in the Company's revenues, to pay the ten per cent. dividend, and fubject thereto, thofe dividends are to belong to the Public. If on the Company's exclufive trade being determined, their own affets fhall prove infufficient to make good their debts, and alfo their capital ftock rated at 200 per cent., the excefs of fuch Guarantee Fund is to make good the deficiency, as far as it will extend, and in the event of the Company difcontinuing their trade altogether, the excefs is to belong to the Public. But if the Company fhall continue to trade with a joint ftock, then the overplus, and the annual dividends thereof, are to remain as a like guarantee, for a dividend of ten per cent. and the capital rated at £.200 per cent. as long as the Company fhall trade with a joint ftock; but fubject to the making good any fuch deficiencies the faid Fund is to be deemed the property of the Public.

If the bond debt at home, or the debts abroad, after being reduced to the ſums before limited, ſhall be again increaſed, the former appropriation is to be revived, until thoſe debts ſhall be again diminiſhed to their reſpective ſtandards before limited.

Any deficiency in the Funds to make good the £.500,000 to the Exchequer in any year, is to be made good in the exceſſes of ſubſequent years, unleſs it happens in time of war, or by circumſtances incidental to war, in which caſe the deficiencies are not to be carried forward as a debt on the *annual* funds of the Company, nor be brought forward as a debt to be paid by the Company, unleſs only in the event of their aſſets, on the concluſion of the excluſive trade affording more than ſufficient to make good the capital ſtock, rated at £.200 per cent. but any exceſs of ſuch aſſets beyond that amount, is liable to make good the deficiency of any ſuch payments to the Public; no intereſt is to be computed in the mean time on ſuch deficiency.

The ſecurities given by the Caſhiers of the Bank, are to extend to the monies they may receive under this Act, and the Treaſury is to direct the allowances for management; and if the India Company make default in any payments directed by the Act, they may be ſued, and ſhall pay £. 15 per cent. damages with coſts of ſuit.

The Act directs the manner in which receipts ſhall be given, and a power is lodged in the Treaſury, to give the Company further time for payment in caſes of exigency. And it is declared, that neither the claims of the Public, nor of the Company, to the territories in India, ſhall be prejudiced by the Act, beyond the prolongation of the term in the Excluſive Trade. The act alſo contains a clauſe of mutual acquittal of all outſtanding demands between the Crown and the Company, to the 24th Day of December, 1792.

The

The Act recognizes the rights of the Company to a ſum of £467,896 7*s.* 4*d.* in money and £9,750 Eaſt India ſtock; (which ſums conſtitute the ſeparate Fund of the Company, eſtabliſhed under the Act of 1781;) and it is obſerved, that it will be more for the general intereſt of the Company to continue that money employed in trade, computing an intereſt upon it, and to make it a fund for a permanent increaſe to their dividend, of 10*s.* per cent., than to draw it from their trading capital for any ſudden diſtribution. And it then authorizes and limits the Company to make a dividend from this ſeparate fund, and the intereſt thereof, after the rate of 10*s.* per cent. per ann. during their further term in the excluſive trade; and at the end of the term, it gives them a power of diſpoſing of the remainder of this fund as they ſhall think fit.

The Company are not to grant any penſions, or new ſalaries, beyond £.200 per ann. to any one perſon, without the conſent of the Board of Controul; and they are to lay before Parliament, annually, a liſt of all their eſtabliſhments abroad, and at home, in which all penſions and new ſalaries are to be particularly noticed; and alſo complete accounts of all their affairs, receipts and outgoings of the preceding year, with eſtimates for the following year.

All the old Laws for preventing clandeſtine trade with India, and from lending to or aſſiſting, or being concerned with Foreign Companies, or Foreign Traders, are wholly abrogated, and the following proviſions are ſubſtituted in their place, obſerving that the penalties are made to extend only to ſuch of His Majeſty's ſubjects as belong to Great Britain, Guernſey, Jerſey, Alderney, Sark, Man, Faro Iſles, or to the Colonies, Iſlands, or Plantations in America or the Weſt-Indies; and that all veſſels and goods forfeited, may be ſeized by any of the Company's Officers in India or China.

3

Perſons

Perſons going unlawfully to India, and trafficking there, forfeit ſhips, veſſels, goods, and merchandize, and double the value thereof; one fourth to the Informers, and three fourths to the Company, they paying thereout the coſts of proſecution.

Perſons unlawfully going to India, ſhall be deemed unlawful Traders, and ſubject to the foregoing penalties and forfeitures, and may alſo be proſecuted as for a crime and miſdemeanor, and be liable to fine and impriſonment. One moiety of the fine goes to the King, the other to the Company, if they proſecute, or elſe to any other informer.

Perſons unlawfully reſorting to India, may be ſeized and ſent home for trial; and, on arrival, they are to give bail, or be committed to priſon.

Perſons diſmiſſed the ſervice, or whoſe licences ſhall have expired, if they continue in India, are to be continued as illicit Traders, and are made ſubject to penalties and forfeitures of goods, &c. as ſuch.

Goods ſhipped clandeſtinely, or ſuch as are reſtricted by the Act, and goods unſhipped at ſea, ſhall be ſeized and forfeited, with double the value, and the Maſter, or other Officer, knowingly permitting or ſuffering the ſame, ſhall forfeit all his wages to the Company, to be deducted out of the monies payable to the owners, and be diſabled from again acting in the ſervice.

Any who ſhall ſolicit for, or accept a foreign commiſſion, to ſail to and trade in India, ſhall forfeit £. 500, half to the Company, and half to the Proſecutor, or the whole to the Company, if they ſhall proſecute.

All Governors and Counſellors are prohibited from trading, except for the Company; and all Collectors, Superviſors, and

others employed in the Revenues of Bengal, Bahar, and Oriſſa, or their Agents, or any in truſt for them, are prohibited from inland trade, except for the Company. The Judges of the Supreme Court of Judicature in Bengal, are abſolutely prohibited from traffick; and none, without the permiſſion of the Company, ſhall trade in Salt, Beetle Nut, Tobacco, or Rice, on pain of forfeiture of the goods, and treble the value, one moiety to the Company, and the other to the Proſecutor.

None ſhall ſend goods from India to the Continent of Europe, by any other channel than as allowed by the Act, on pain of forfeiture of double the value; but this reſtriction is not to extend to matters of agency, only on the account *bonâ fide* of any foreign Company or foreign Merchant.

The Act then preſcribes the method of ſuing for forfeitures and penalties, and determining the legality of ſeizures. It gives a right of ſuing by Action, Bill, or Information, in any of the Courts of Weſtminſter (in which caſe the venue is to be laid in London or Middleſex), or in the Supreme Court of Judicature in Bengal, or the Mayor's Court at Madras or Bombay; and in ſuch ſuits the legality of ſeizures of perſons, ſhips, or goods, is made cognizable. In caſes of miſdemeanors, the offenders are puniſhable by fine and impriſonment, and if abroad, they may be ſent home, as part of the puniſhment; and a capias, for arreſting the accuſed party, is given in the firſt inſtance, which may be compounded for by bail.

For ſecuring to the Crown the duties for goods unlawfully trafficked with, in the caſes of forfeiture of goods, the Attorney General may proſecute the offenders, or their partners, by bills in a Court of Equity, waving penalties, and the defendants ſhall make full diſcovery of their illicit traffick upon oath, and ſhall be decreed to pay all the duties thereupon to Government, and £. 30 per cent.

on

on the value of the goods to the Company, and ſhall be relieved againſt all other forfeitures. The Company may, in like manner, proceed againſt offenders by Bill in Equity, and if they fail they ſhall pay coſts. Defendants are to pay coſts to the Crown and to the Company, when the decree ſhall be againſt them.

If a common informer, before any ſuit is commenced, ſhall make known any offence to the Company, or the Attorney General, and either of them ſhall prefer a Suit in Equity, in that caſe the informer ſhall be entitled to one third part of the ſimple value of the concern which ſhall be recovered. But if the Directors prefer a proſecution at law, the informer may proceed, but ſhall not diſcontinue the ſuit without their conſent.

When the Company are the firſt informers, the whole of the informers ſhares of penalties and forfeitures ſhall belong to the Company, although the ſuit be commenced after the time elapſed for common informers to ſue or proſecute the offence.

On any ſuit againſt the Company or their Servants for ſeizing, &c. the defendants may plead the general iſſue, and give the Act in evidence, and the burthen of proofs ſhall be on the plaintiffs, that the ſeizure, &c. was unlawful; and on nonſuit, verdict, or judgment, the plaintiffs ſhall pay treble coſts.

The Acts or parts of Acts repealed, are as follow: 9 and 10 W. 3. ch. 24. ſ. 81. The whole of the temporary Act of 5 Geo. 1. chap. 21. and ſo much of the ſeveral Acts as continued it in force. The 7 Geo. 1. ch. 21. ſ. 1. to ſ. 9. The whole of 9 Geo. 1. ch. 26. The 3 Geo. 2. ch. 14. ſ. 9. The 17 Geo. 2. ch. 17. ſ. 11. The 10 Geo. 3. ch. 47. ſ. 1 and 2. The 13 Geo. 3. ch. 63. ſ. 23 to 29. and ſ. 32 to 35. The 21 Geo. 3. ch. 65. ſ. 29. The 24 Geo. 3. ch. 25. ſ. 3, 13, 29 and 31. The whole

of the 26 Geo. 3. ch. 16. and the 32 and 33 f. of 26 G. 3. ch. 57. The repeal is not to extend to offences committed before the commencement of the Act, nor is it to affect the powers of the prefent Board of Controul, until a new one fhall be appointed; nor to affect the powers given to the India Board by certain Acts of the 28th and 31ft years of the King, concerning the forces in India.

The jurifdiction of the Supreme Court of Judicature at Fort William, in caufes of Admiralty, is made to extend to the High Seas at large, whereby a defect in the Act of 1773 for conftituting that Court is cured.

For increafing the number of Magiftrates in Bengal, Madras, and Bombay, the Supreme Court of Judicature in Bengal is to iffue commiffions of the peace, in purfuance of orders iffued in Council for that purpofe; and any of the Juftices, fo appointed, may by order in Council, fit alfo in the Courts of Oyer and Terminer, taking the oaths of Juftices in England, excepting the oath prefcribed by the Act of the 18 Geo. 2. (relating to qualification by eftate.) The proceedings and judgments of juftices may be removed to the Court of Oyer and Terminer by Certiorari, as may be done into the Court of King's Bench in England, and on fimilar conditions, but cannot be fet afide for want of form, but on the merits only. The Juftices may alfo affociate with the Judges in caufes appealed, when called upon fo to do.

The Governments abroad may appoint Coroners to take inquefts upon the bodies of perfons coming to an untimely end, and appoint fees to be paid for that duty.

The Juftices of the Peace may appoint Scavengers, and raife money by affeffments for cleanfing, watching, and repairing the

ſtreets of Calcutta, Madras, and Bombay: they may alſo licenſe houſes for retailing ſpirituous liquors, and fix the limits of thoſe towns; and none are to retail ſpirits but ſuch as they ſhall ſo licenſe, under the penalties of the laws of Great Britain.

A ſpecial oath is preſcribed to be taken in future by the Directors of the Company, prohibitory of their acting as Directors, when concerned in buying from, or ſelling to the Company any goods; and prohibitory of their being concerned in any ſhipping employed by the Company, or accepting any preſent for any appointment of office, or of being concerned in any Private Trade contrary to the Act.

The Days and Hours fixed by former Acts of Parliament *for Purchaſers of Teas* to make their *Depoſits*, having been found inconvenient to the Trade, the Act has, with their Approbation, fixed *Tueſdays* and *Saturdays* at the Hour of THREE for making their Depoſits in future.

Proſecutions for any thing done under the Act are limited to three years, or if the party aggrieved be abroad, then in three years after his return.

The Act is to commence in Great Britain as ſoon as it ſhall receive the Royal aſſent, and in India on the 1ſt of February, 1794, except when any ſpecial commencement is preſcribed in it.

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The theoretical part gives a concife view of the moft effential parts of the more ancient theories on the calculations of the refiftance of fhips, and of the fituations of the centre of gravity of the immerfed part, confidered as an homogene compofition, with fome general remarks on the form of fhips. The practical part, by far the largeft and moft valuable, is diftinguifhed and remarkable principally for a very extenfive table of the fcantlings of every fingle piece entering into the conftruction of a fhip; and is preferable to many others, as it contains the dimenfions of the bolts and iron-work: but the ufe of this table has this inconvenience, that it is not arranged in an alphabetical or any other manner which renders the finding of the fingle articles contained in it eafy; fo that it requires a kind of familiarity with it to get directly at the inftruction wanted in a particular cafe. Very valuable are the dimenfions of a great variety of fhips (from the largeft to the fmalleft fize) given in it, for laying down the body-plans of them on the mould-loft. The inftruction for forming the draughts of fhips, exemplified on the plan of an eighty gun fhip, is very plain and fatisfactory; and the explanation of the draught of the inner parts of a fhip, moftly neglected in other works of the fame kind, deferves to be mentioned as a particular merit in this work. The laudable defign of the Author to render it more ufeful by a low price, did not allow him to give more copper-plates.